
ARTICLE V

VESTED RIGHTS

| | | |
|------------|--|----|
| Sec. 5-1. | Short Title | 1 |
| Sec. 5-2. | Authority | 1 |
| Sec. 5-3. | Findings and Intent | 1 |
| Sec. 5-4. | Applicability and Scope | 1 |
| Sec. 5-5. | Definitions..... | 2 |
| Sec. 5-6. | Statutory Vested Rights | 4 |
| Sec. 5-7. | Equitable Vested Rights..... | 5 |
| Sec. 5-8. | Administrative Procedures..... | 6 |
| Sec. 5-9. | Appointment and Qualifications of Hearing Officer | 8 |
| Sec. 5-10. | Conduct of Hearings by Hearing Officer..... | 9 |
| Sec. 5-11. | Limitation of Rights Under a Vested Rights Certificate..... | 10 |
| Sec. 5-12. | Fees | 11 |
| Sec. 5-13. | Suspension and Revocation of Vested Property Certificates..... | 12 |

Sec. 5-1. SHORT TITLE

This Article may be referred to and cited as the "Vested Rights Review Process of Clay County, Florida."

Sec. 5-2. AUTHORITY

This Article is adopted pursuant to Florida Statutes, Chapter 163 and 125 and the Constitution of the State of Florida.

Sec. 5-3. FINDINGS AND INTENT

The Board of County Commissioners of Clay County, Florida (hereinafter referred to as the Board), finds and determines that:

- (a) The "Vested Rights Review Process" created by this Article is consistent with the Comprehensive Plan, adopted by Ordinance 92-03 on January 23, 1992, as the same has been amended from time to time, and hereafter referred to as the Comprehensive Plan or the Plan.
- (b) It is the intent of this Article to provide the standards and administrative procedures for determining whether a person has a vested right to undertake development activities, notwithstanding the fact that all or part of the development is not in accordance with the requirements of the Comprehensive Plan or land development regulations.

Sec. 5-4. APPLICABILITY AND SCOPE

The regulations set forth herein shall apply to all lands within the unincorporated areas of Clay County, Florida, and subject to the jurisdiction of the Board. The regulations set forth herein address land development rights of property owners that may be vested with respect to consistency with the

Comprehensive Plan and compliance with Clay County concurrency management and other land development regulations. The regulations set forth herein do not, however, address impact fees, and any determination of vested rights pursuant to this Article shall have no effect upon impact fees or impact fee credits or the determination of impact fees or impact fee credits.

Sec. 5-5. DEFINITIONS

Terms used in this Article, and the policies of the Comprehensive Plan that are incorporated herein by reference, shall be defined as follows:

- (a) *Building Permit* means an official document or certificate issued by the Building Official, as provided for in the Clay County Building Code as adopted in the Code of Ordinances of Clay County, authorizing performance of construction or alteration of a building or structure.
- (b) *Clay County 2040 Comprehensive Plan or Plan* means the Comprehensive Plan adopted by the Clay County Board of County Commissioners on June 26, 2018, pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, as the same has and may be amended from time to time.
- (c) *Clay County Land Development Regulations* means all regulations adopted by the Board for the regulation of any aspect of land development and includes any zoning, rezoning, subdivision, or any other regulation controlling the development of land.
- (d) *Consistency* means the requirement in Chapter 163, Florida Statutes, that all development activities on land under the jurisdiction hereof be consistent with the Comprehensive Plan.
- (e) *Concurrency* means the general requirement in Chapter 163, Florida Statutes, that all applicable public facilities and services be in place and be adequate concurrent with the impacts of new development.
- (f) *Continuing in Good Faith* means the development order for a project has not expired, and no period of three hundred sixty-five (365) consecutive days has elapsed following the issuance thereof without the occurrence on the land of development activity which significantly moves the proposed development toward completion, unless the developer establishes that such three hundred sixty-five (365) day lapse in substantial development activity was due to factors beyond the developer's control or unless development activity authorized by a final development order has been completed on a significant portion of the development subject to said final development order and has significantly moved the entire development toward completion.
- (g) *Created*, when applied to recorded or unrecorded subdivisions, means either depicted on a plat recorded in the plat books of Clay County or depicted on a map or survey prepared by, signed and sealed by a Florida licensed surveyor or engineer and dated prior to September 5, 1985, showing lot layouts and roads.
- (h) *Department* means the Clay County Planning and Zoning Division.
- (i) *Development* means activity as defined in Section 380.04, Florida Statutes.

-
- (j) *Director* means the Director of the Clay County Planning and Zoning Division.
- (k) *Final Local Government Development Order* shall, for purposes of meeting the concurrency requirements of the County, have the meaning ascribed to it in Policy 1.9.2 of the Comprehensive Plan.
- (l) *Lot of Record* shall have the meaning ascribed to it in Policy 1.9.5 of the Comprehensive Plan.
- (m) *Non-Substantial Deviation* shall mean a variation from the terms and conditions of a final development order on which a Vested Property Certificate is based which, notwithstanding the provisions of (s) below, furthers a specific goal or objective of the Plan. The proposed variation may not cause the development to increase or create an additional conflict with the Plan. Such a variation that results in an increase in capacity demand shall be permitted provided, in the case of residential, within the changed portion the resulting development is consistent with the density provisions of the Plan. Such increase shall be subject to the provisions of the Concurrency Management Ordinance of Clay County and shall be limited to an increase of five percent of the total lots, total units or total square footage permitted in the final development order.
- (n) *Policy 1.9.2* shall mean Policy 1.9.2 of the Future Land Use Element of the Comprehensive Plan.
- (o) *Policy 1.9.5* shall mean Policy 1.9.5 of the Future Land Use Element of the Comprehensive Plan.
- (p) *Policy 1.9.3* shall mean Policy 1.9.3 of the Future Land Use Element of the Comprehensive Plan.
- (q) *Post-1985 Subdivision* means any subdivision recorded in the plat books of Clay County between September 5, 1985, and July 1, 1992 (not inclusive).
- (r) *Pre-1985 Subdivision* means any recorded or unrecorded subdivision in existence on or before September 5, 1985. "In existence" shall have the same meaning as "created" (above).
- (s) *Substantial Deviation* means any variation from the terms and conditions of a final development order which:
- (1) Results in any increase in the capacity demand.
 - (2) Results in the alteration of the location of any road, landscaping or structure by more than five (5) feet; or
 - (3) Results in the reduction of the total amount of open space by more than five (5) percent, or reduction of the yard area or open space associated with any single structure by more than five (5) percent; or

-
- (4) If a previously approved Development of Regional Impact or Florida Quality Development, said deviations have been determined to be a substantial deviation in accordance with Section 380.06(19), Florida Statutes.

Sec. 5-6. STATUTORY VESTED RIGHTS

- (a) *Generally.* In accordance with Section 163.3167(8), Florida Statutes, development may be completed notwithstanding the fact that all, or some part of, the development is inconsistent with the Plan and not in compliance with the Clay County land development regulations, including concurrency requirements therein, provided that such development is determined to have statutory vested rights as set forth in Subsection (b) hereof.
- (b) *Criteria for Determining Statutory Vested Rights.*
- (1) The following developments shall be deemed to have statutory vested rights with regard to consistency with the Future Land Use Map in the Plan and the Clay County land development regulations:
- a. A development order under Chapter 380, Florida Statutes, in effect on the date of adoption of the Plan subject to the provisions outlined in (c) Special Provisions with Regard to Development of Regional Impact.
 - b. Any lot within a post-1985 subdivision recorded in the plat books of Clay County meeting the applicable requirements of Policy 1.9.2 of the Plan.
 - c. Any lot within a recorded or unrecorded subdivision in existence on or before September 5, 1985, and meeting the applicable requirements of Policy 1.9.2 of the Plan.
- (2) Any lot of record meeting the requirements of Policy 1.9.5 of the Plan shall be deemed to be statutory vested to the extent and in the manner provided for in said policy, both as to consistency and concurrency, as provided for by the Plan and the Clay County land development regulations.
- (3) The following developments shall be deemed to have statutory vested rights for the purposes of concurrency as required by the Plan and Clay County land development regulations:
- a. Unless otherwise provided in the development order, a development of regional impact for which a development order under Chapter 380, Florida Statutes, was in effect on the date of adoption of the Plan.
 - b. Any lot within a phase of a recorded or unrecorded subdivision in existence on or before September 5, 1985, and meeting the applicable requirements of Policy 1.9.2 of the Plan. Such lots shall be vested from the requirements of transportation concurrency only, and must still meet all other concurrency requirements.

-
- c. Any lot within a phase of a post-1985 subdivision recorded in the plat books of Clay County meeting the applicable requirements of Policy 1.4.2 of the Plan.
 - d. Non-residential and multi-family development meeting the applicable requirements of Policy 1.9.2 of the Plan, including the requirement that development is continuing in good faith as defined herein.

(c) *Special Provisions with Regard to Developments of Regional Impact.*

- (1) The existence of statutory vested rights with respect to development within an approved Development of Regional Impact provided for in Sec. 5-6(b) above shall be recognized only to the extent that the development is consistent with and authorized by the terms and conditions of the development of regional impact development order and such order is valid and unexpired.
- (2) The development shall comply with all requirements of the Plan and county land development regulations except for those requirements the subject of which was specifically negotiated during the development of regional impact approval process.
- (3) The development shall be exempt from the concurrency management requirements unless otherwise provided for in the development order.

Sec. 5-7. EQUITABLE VESTED RIGHTS

- (a) *Generally.* The intent of this Section is to implement Policy 1.9.3 of the Plan which provides that vested rights based on equitable claims may exist for the development of certain land. Pursuant to this Section, a person with such equitable claims may request from the County a determination of whether the person's right to complete a development on a particular parcel of land is vested notwithstanding that all or some part of the development is inconsistent with a specified provision of the Plan or any provision of the Clay County land development regulations that has been adopted to implement the Plan, including concurrency requirements therein. If the particular parcel of land is determined to have equitable vested rights as provided herein, development may be completed thereon within the limits of those rights notwithstanding that all or some part of the development is inconsistent with a specified provision of the Plan or any provision of the Clay County land development regulations that has been adopted to implement the Plan.
- (b) *Criteria for Determining Equitable Vested Rights.* Developments shall be deemed to have Equitable Vested Rights pursuant to this section if it is shown by substantial competent evidence that a property owner or other similarly situated person:
 - (1) has acted in good faith and in reasonable reliance;
 - (2) upon a valid, unexpired act or omission of the government; and

-
- (3) has made such a substantial change in position or incurred such extensive obligations and expenses that it would be highly inequitable or unjust to destroy the rights such person has acquired.

Sec. 5-8. ADMINISTRATIVE PROCEDURES

- (a) *Vested Property Certificate.* There are hereby created four (4) types of certificates, hereinafter to be referred to as Vested Property Certificates (VPC's), which shall be issued upon determination, in accordance with the requirements of this Section, of the existence of vested rights. The four (4) certificates shall be known as:
 - (1) Type 1 VPC – Where a development is deemed to be vested pursuant to the criteria established under **Sec. 5-6(b)(1)** of this Article
 - (2) Type 2 VPC – Where a development is deemed to be vested pursuant to the criteria established under **Sec. 5-6(b)(2)** of this Article
 - (3) Type 3 VPC - Where a development is deemed to be vested pursuant to the criteria established under **Sec. 5-6(b)(3)** of this Article
 - (4) Type 4 VPC – Where a development is deemed to be vested pursuant to the criteria established under **Sec. 5-7(b)** of this Article

Except for development activities vested pursuant to a valid, unexpired building permit, no development activity shall proceed pursuant to vested rights under this Article until such development activity is authorized by a VPC.

- (b) *Application.* In conjunction with an application for either Statutory or Equitable Vested Rights, the following information shall be provided, in triplicate, by the applicant, as appropriate, on an application form which shall be prepared by the Planning and Zoning Division:
 - (1) The name(s), signature(s), and address(es) of the owner(s) of the property;
 - (2) The name(s) and address(es) of the applicant(s), who shall be the owner(s) or an agent authorized by affidavit to apply on behalf of the owner(s);
 - (3) A legal description and survey of the property which is the subject of the application;
 - (4) A copy of each approved and unexpired final development order, which may include a final site plan, final subdivision plat, or building plan applicable to the property;
 - (5) Identification by specific reference to any Ordinance, resolution, or other action of the County, or failure by the County to act, upon which the applicant relied and which the applicant believes to support the owner's vested rights claim.

-
- (6) A statement of facts which the applicant intends to prove in support of the application;
 - (7) A receipt evidencing payment of the required fees; and
 - (8) Such other relevant information which the Director may request or the applicant feels is relevant to a determination of his or her claim.
- (c) *Procedures for Obtaining a VPC for Statutory Vested Rights.*
- (1) The property owner shall request a VPC for Statutory Vested Rights by submitting a complete, sworn application to the Department upon a form to be provided for that purpose.
 - (2) Within seven calendar days after the receipt of an application, the Director shall make a determination as to whether or not the application is complete. If not complete, the application shall be returned to the applicant with a written notification of the items required which are absent or insufficient. Until complete, an application will not undergo further review.
 - (3) From the date the application is determined to be complete, the Department will have 30 days to review the application and provide the applicant with a written determination of vested rights. Prior to the lapse of the 30 day review period, the Department may request additional information from the applicant to facilitate the review. The request for additional information must be in writing and include a specific period of time, not to exceed 60 days, for the applicant to provide the requested information. If such a request is made, the 30 day review period will be tolled for the period of time specified in the request. The Department will have 20 days from the date additional information is received to complete its review and made a determination of vested rights.
 - (4) After review, the Director shall draft a report stating the Director's finding and conclusions regarding whether or not the application has vested rights. In the preparation of its report, the Department may consult with the Office of the County Attorney. Other county departments may provide technical or other information and assistance at the request of the Department.
 - (5) Within seven (7) calendar days after making a determination of vesting rights, the Director shall provide the applicant with written notification by certified mail of the determination of Statutory Vested Rights and, if vested rights are determined to exist, shall issue the appropriate type of VPC.
 - (6) If the Director's determination is that the applicant does not have Statutory Vested Rights, the applicant may appeal the Director's decision by filing a notice of such appeal within thirty (30) calendar days of the applicant's receipt of the written notification of denial. Upon receipt of a notice of appeal, the Director shall coordinate a date for a hearing to be held by a Hearing Officer within sixty (60) calendar days of receipt of the notice of appeal and shall notify the applicant and the

Hearing Officer of the date, time, and place of the hearing, as appropriate. The notice shall be mailed to the applicant not less than ten (10) calendar days prior to the date of the hearing. All hearings shall be open to the public. The sixty (60) day period for setting a date for hearing may be waived by the Applicant.

(d) *Procedures for Obtaining a VPC for Equitable Vested Rights.*

- (1) The property owner shall request a VPC for Equitable Vested Rights by submitting a complete, sworn application to the Department upon a form to be provided for that purpose.
- (2) Within ten (10) calendar days after the receipt of an application, the Director shall make a determination as to whether or not the application is complete. If not complete, the application shall be returned to the applicant with a written notification of the items which are absent or insufficient. Until complete, an application will not undergo further review.
- (3) The Director shall coordinate a date for a hearing to be held by a Hearing Officer within sixty (60) calendar days of the issuance of the Director's determination that the application is complete and shall notify the applicant and the Hearing Officer of the date, time, and place of the hearing as appropriate. The notice shall be mailed to the applicant not less than ten (10) calendar days prior to the date of the hearing. All hearings shall be open to the public.

Sec. 5-9. APPOINTMENT AND QUALIFICATIONS OF HEARING OFFICER

- (a) No Hearing Officer shall act as agent or attorney or be otherwise involved with any matter which will come before the County during the term of the Hearing Officer's appointment. Further, no Hearing Officer shall initiate or consider ex parte or other communication with any party of interest to the hearing concerning the substance of any proceeding to be heard by the Hearing Officer; except such expert advice as the Hearing Officer may determine appropriate and solicit.
- (b) The Department shall prepare a list of persons eligible to serve as hearing officers which shall be confirmed by the Board and may be amended from time to time. In the alternative, the Board may contract with the Florida Division of Administrative Hearings (DOAH), to provide Hearing Officers. Only attorneys licensed in the State of Florida shall be eligible to serve as Hearing Officers. In the event of an appeal by an applicant, the Department shall randomly appoint a hearing officer from the list to hear the appeal provided that if the Board has contracted with DOAH, then DOAH shall designate the Hearing Officer. Upon the appointment of a hearing officer in an appeal, the applicant, the Department and review personnel are prohibited from communicating ex parte with the hearing officer regarding the pending appeal. Any person serving as a hearing officer and any firm with which he or she is associated is prohibited from acting as agent in any application or proceeding before any agency, board, or commission of the county involving the property which was the subject of the appeal.

Sec. 5-10. CONDUCT OF HEARINGS BY HEARING OFFICER

- (a) All hearings conducted by a Hearing Officer shall be in accordance with the following, and with such other procedures as the Board may adopt and amend from time to time by resolution or as the parties may otherwise stipulate to.
- (1) At the hearing, the applicant shall present evidence in support of the application or appeal. The burden shall be upon the applicant to show entitlement to the type of VPC requested.
 - (2) At the applicant's option and with the concurrence of the Hearing Officer, stipulations and sworn affidavits may be submitted in lieu of testimony before the Hearing Officer, provided all matters asserted in sworn affidavits are supported or corroborated by other non-hearsay testimony.
 - (3) The county shall provide for the recording and preservation of all testimony in the proceeding either by electronic recording thereof, or through the services of a certified court report; provided, if any party desires to obtain a full or partial transcript of the hearing, such person shall provide a certified court reporter and transcription, if one is not provided by the County, and shall pay all costs therefor.
 - (4) At the conclusion of the presentation of evidence, the Hearing Officer shall solicit proposed orders, findings of fact and conclusions of law, if appropriate, and shall establish a deadline for their submittal. If a party requests an opportunity to have a transcript prepared and submitted and to propose recommended orders, findings of fact and conclusions of law, the Hearing Officer shall provide an adequate amount of time consistent therewith. The Hearing Officer shall adopt a decision of approval, denial, or approval with conditions, and shall issue a written decision within thirty (30) calendar days of the hearing or receipt of proposed orders, findings of fact and/or conclusions of law, as appropriate. For an appeal of a statutory vested rights determination, the hearing officer may, where applicable, affirm, affirm with conditions or reverse the decision of the Director.
 - (5) The Hearing Officer shall be guided by the previously adopted Comprehensive Plan, the adopted Comprehensive Plan, the Clay County land development regulations, this Article, the Code of Ordinances of the County, and established case law as the same shall be applicable.
 - (6) The Hearing Officer's determination shall include appropriate findings of fact, conclusions of law, and decisions in the matter. The Hearing Officer may, where applicable, affirm, affirm with conditions, or reverse the decision of the Director.
 - (7) The Hearing Officer shall file his written decision on the application with the Director within (30) calendar days of the date of the conclusion of the hearing and a copy shall be provided to the Clerk of the Board and the applicant.
 - (8) The decision of the Hearing Officer shall be final, subject to judicial review pursuant to Section 163.3215, Florida Statutes.

-
- (b) In addition to the requirements of paragraph (a) above, the Hearing Officer shall have the authority and responsibility to:
 - (1) Determine the manner and order in which evidence will be presented; determine the applicability and relevance of all materials, exhibits, and testimony; and to exclude irrelevant, immaterial, or repetitious matter.
 - (2) Administer oaths to witnesses.
 - (3) Determine the length of time to be allowed for the presentation of a case, and provide for a reasonable amount of cross-examination of witnesses.
 - (4) Allow the parties to submit written findings of fact and conclusions of law following the hearing, and advise the parties regarding the timetable for so doing, if allowed.
 - (5) Require the parties to submit a prehearing stipulation setting forth facts not in dispute, names of witnesses, issues in dispute and such other matters as may be appropriate in his judgment.
 - (c) No hearing officer will act as agent or attorney or be otherwise involved with any matter which will come before the County during the term of the hearing officer's appointment.
 - (d) Any person serving as a hearing officer and any firm with which he or she is associated is prohibited from acting as agent in any application or proceeding before any agency, board, or commission of the county involving the property that is the subject of the hearing.
 - (e) No hearing officer will initiate or consider ex parte or other communication with any party of interest to the hearing concerning the substance of any proceeding to be heard by the hearing officer; except such expert advice as the hearing officer may determine appropriate and solicit, with notice to the applicant or appellant.
 - (f) Upon the appointment of a hearing officer in an appeal, the applicant, the Department and review personnel are prohibited from communicating ex parte with the hearing officer regarding the pending appeal or hearing except that the Department shall furnish a copy of the completed application or appeal to the Hearing Officer, as well as any other information requested by the Hearing Officer and within the custody of the Department, and shall furnish a copy of same to the applicant or appellant.

Sec. 5-11. LIMITATION OF RIGHTS UNDER A VESTED RIGHTS CERTIFICATE

- (a) *Compliance with Original Development Order.* All development subject to a VPC shall be consistent with the terms of the original development order or permit upon which the VPC is based. Any proposed change from the original development order or permit (except for a variation required by governmental action), if determined to be a substantial deviation from such prior development order or permit by the Department, or, for a previously approved development of regional impact if determined to be a substantial deviation in accordance with Section 380.06(19), Florida Statutes, shall cause the changed portions of the development to be subject to the applicable goals, objectives and policies of the Plan, and

with the requirements of the Clay County land development regulations. Variations determined to be a non-substantial deviation pursuant to Sec. 20.8-5 (m) shall not cause the changed portion(s) of the development to lose vested status.

- (b) Each holder of a Type 3 VPC issued for a non-residential or multifamily use that is not a development of regional impact, for which a certificate of occupancy has not been issued by the county for all development authorized in the VPC within 1 year of issuance of the VPC shall submit a report to the Department, on a form provided by the Department, on each anniversary date of the issuance of the VPC. The purpose of the report is to provide information required by the Department in order to accurately monitor the progress of projects that are not developments of regional impact to determine whether such developments are continuing in good faith. The Department shall mail a report form to applicable recipients of such VPC's on an annual basis, with a written request to complete and return the form. Failure to submit the appropriate report by the anniversary date of the VPC issuance may result in the temporary suspension of the VPC by the Department in accordance with the requirements of Sec. 5-13(b) of this Article. A VPC covered by this Subsection may be revoked by the Board in accordance with the requirements of Section 5-13(b) where the Board finds that the development is not continuing in good faith as defined in this Article.

Sec. 5-12. FEES

Fees for applications and appeals under this Article shall be as follows:

- (a) **Statutory Vested Rights.**
- (1) Initial Determination of Vesting for VPC-1, VPC-2, and/or VPC-3: \$75.00
 - (2) Appeals: \$250.00. The County shall retain, employ or otherwise contract for hearing officers as required for implementation of this Article. In addition, all expenses associated with the hearing officer appeal process shall be the responsibility of the non-prevailing party; including all court reporter and transcription fees.
- (b) *Equitable Vested Rights.* The County shall retain, employ or otherwise contract for hearing officers as required for implementation of this Article. The applicant shall pay the reasonable cost of providing a hearing officer to hear the applicant's application. To secure payment, the applicant shall deposit with the County in the form of cash an amount equal to the estimated cost for such hearing officer services. This deposit will be made in two payments, the first in the amount of five hundred dollars (\$500), followed by a second payment for the estimated balance to be received by the County prior to the hearing. At the conclusion of the hearing officer services, if the amount deposited is insufficient to cover the cost of the hearing officer services, the applicant shall be notified and shall deposit additional funds estimated to be sufficient to cover the hearing officer fees incurred within ten (10) working days of written notification from the County. Failure to deposit the funds indicated within ten (10) working days shall cause the issuance of the appropriate VPC based on the final order to be delayed until such time as all outstanding fees are paid. Funds deposited in excess of the final costs shall be refunded to the applicant within sixty (60) days of the final hearing and rendition of a decision by the hearing officer.

**Sec. 5-13. SUSPENSION AND REVOCATION OF VESTED PROPERTY
CERTIFICATES**

- (a) Notwithstanding anything in this Article to the contrary, subject to the requirements of paragraph (c) below, any VPC may be suspended or revoked upon a showing by the County of an imminent peril to the health and safety of the citizens of the County which did not exist or was unknown at the time the VPC was issued or at the time the development order was issued or when the act of the government occurred upon which the claim for vesting is based. In addition, any VPC may be suspended or revoked upon a showing by the County that the certificate was issued based upon false, inaccurate, misleading or incomplete information.
- (b) Following review by the Department of all annual reports required by Sec. 5-11(b) of this Ordinance, the Department shall make a determination of whether the development that is the subject of the report is continuing in good faith. If the Department finds that the development is not continuing in good faith, the Department shall, within five (5) days of such determination, notify the holder of the applicable VPC by certified mail, that the applicable VPC is being temporarily suspended and that a hearing pursuant to the requirements of paragraph (c) below shall be scheduled.
- (c) A VPC issued pursuant to this Article may only be revoked following a hearing held by the Board. A VPC may be suspended by the Director prior to a hearing being held by the Board, provided the Board shall hold a hearing within thirty (30) days after the suspension to make a final determination which may include revoking the VPC.