

3. AN OPPORTUNITY FOR PUBLIC REVIEW AND COMMENT.

(3) THE CRITERIA FOR AN ADMINISTRATIVE ADJUSTMENT SHALL INCLUDE:

(I) STANDARDS FOR ACTIONS ON REQUESTS;

(II) STANDARDS FOR THE CLASSES OF DEVELOPMENT THAT ARE ELIGIBLE FOR AN ADMINISTRATIVE ADJUSTMENT; AND

(III) THE MAXIMUM VARIATION FROM A ZONING REQUIREMENT THAT IS ALLOWED UNDER AN ADMINISTRATIVE ADJUSTMENT.

(4) PROCEDURES FOR ADMINISTRATIVE ADJUSTMENTS MAY INCLUDE:

(I) APPLICATIONS;

(II) NOTICE TO THE PUBLIC AND TO THE PARTIES IN INTEREST;

(III) AN OPPORTUNITY FOR PUBLIC HEARING;

(IV) AN OPPORTUNITY FOR THE TAKING OF TESTIMONY AND EVIDENCE; AND

(V) DECISION MAKING.

(5) A DECISION ON AN APPLICATION FOR AN ADMINISTRATIVE ADJUSTMENT SHALL INCLUDE WRITTEN FINDINGS OF FACT.

(6) BY THE ENACTMENT OF AN ORDINANCE OR THE ADOPTION OF A PROCEDURE, A LOCAL LEGISLATIVE BODY MAY AUTHORIZE THE APPEAL TO THE BOARD OF APPEALS OF A DECISION TO APPROVE OR DENY AN ADMINISTRATIVE ADJUSTMENT.

(7) NOTHING IN THIS SUBSECTION IS INTENDED TO AUTHORIZE A LOCAL GOVERNMENT TO ~~ABROGATE STATE MANDATED CRITICAL AREA OR SENSITIVE AREA REQUIREMENTS~~ PERMIT AN ADMINISTRATIVE ADJUSTMENT TO STATE OR LOCAL REQUIREMENTS THAT ARE INTENDED TO PROTECT ENVIRONMENTALLY SENSITIVE AREAS, SUCH AS STREAMS, SLOPES, WETLANDS, NATURAL HERITAGE AREAS, OR CRITICAL AREAS.

(E) (1) A LOCAL LEGISLATIVE BODY MAY AUTHORIZE, ON APPLICATION BY A PROPERTY OWNER, HOW THE USES ALLOWED IN A ZONING CLASSIFICATION ARE TO BE APPLIED TO A PARTICULAR IMPROVED PROPERTY BY GRANTING AN ADAPTIVE REUSE.

(2) BEFORE GRANTING AN ADAPTIVE REUSE, THE LOCAL LEGISLATIVE BODY SHALL ~~DETERMINE~~ MAKE SPECIFIC FINDINGS SUPPORTED BY FACTS IN THE RECORD THAT:

(I) THE CHANGE IS CONSISTENT WITH THE PLAN FOR THE LOCAL JURISDICTION;