

(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;

(II) THE CHANGE IS IN THE PUBLIC INTEREST AND PROVIDES A POSITIVE BENEFIT TO THE COMMUNITY; AND

(III) LITERAL ENFORCEMENT OF THE ZONING CLASSIFICATION WOULD DEPRIVE THE OWNER OF ALL REASONABLE ECONOMICALLY VIABLE USE OF THE PROPERTY.

4.06.

(a) (3) A HEARING EXAMINER SHALL RECUSE HIMSELF OR HERSELF FROM PARTICIPATING IN A MATTER IN WHICH THE HEARING EXAMINER MAY HAVE A CONFLICT OF INTEREST OR THE APPEARANCE OF A CONFLICT OF INTEREST.

4.07.

(a) (2) A board of appeals consists of [either] AT LEAST three [or five] members.

(8) A LOCAL LEGISLATIVE BODY MAY NOT SERVE AS A BOARD OF APPEALS.

(9) A MEMBER OF THE BOARD OF APPEALS SHALL RECUSE HIMSELF OR HERSELF FROM PARTICIPATING IN A MATTER IN WHICH THE MEMBER MAY HAVE A CONFLICT OF INTEREST OR AN APPEARANCE OF A CONFLICT OF INTEREST.

(c) (6) IF A RECORDING OR A TRANSCRIPT OF A RECORDING IS NOT PREPARED IN THE NORMAL COURSE OF THE BOARD'S PROCEEDINGS, THE PARTY WHO REQUESTS A COPY OF THE RECORDING OR ITS TRANSCRIPT SHALL PAY THE COST OF PREPARING THE RECORDING OR TRANSCRIPT.

4.08.

(b) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN APPEAL TO A CIRCUIT COURT FROM THE DECISION OF A BOARD OF APPEALS OR A