

16.205—Procedure

Any party owning an interest in land, or any duly appointed or elected State or County board, official, or its or his or their attorney, may petition the Zoning Board for an amendment, supplement, addition, repeal, or a change to the zoning regulations or the zoning district boundaries.

The form and number of copies of the petition shall be as prescribed by law or by the zoning regulations. The petition shall be filed with the zoning enforcement officer of the County, who shall check the same for form, provide for posting of property if required by law or by the zoning regulations, collect the proper fees, and refer the same to the Planning Board for its report. Within two (2) days of its filing, the zoning enforcement officer shall refer the original petition to the Secretary of the Zoning Board, who shall set a hearing date and cause a notice of the time and place of the beginning of the hearing to be published as required by law.

16.206—Conduct of Hearings

All public hearings on zoning matters shall be conducted in accordance with the rules of procedure adopted by the ~~County Council~~ ZONING BOARD insofar as they do not conflict with the rules of administrative procedure promulgated by law. The Board shall prepare an official record of its proceedings in each case, which shall include testimony and exhibits, but it shall not be necessary to transcribe the testimony unless requested for court review. Every decision and final order in a zoning matter shall be in writing, signed by the Chairman of the Board, attested by the Secretary, and shall be accompanied by findings of fact and conclusions of law and shall be made a part of the record of proceedings. The final order of the Zoning Board denying the petition or granting the petition **AND AMENDING THE ZONING REGULATIONS OR THE ZONING DISTRICT BOUNDARIES** shall be filed with the zoning enforcement officer and maintained by him as part of the official records of the County.

16.207—Judicial Review

Within thirty (30) days after any final decision and order of the Zoning Board is entered, any person, officer, department, board or bureau of the County or State, jointly or severally aggrieved by any such decision and order, and a party to the proceeding below, may appeal to the Circuit Court for Howard County, in accordance with the Maryland Rules of Procedure providing for appeals from administrative agencies. The Zoning Board shall be a party to all appeals and shall be represented on appeal by the office of the County Solicitor.

The review of the record of proceedings made before the Zoning Board shall be conducted by the court without a jury. In cases of alleged irregularities in procedure before the Zoning Board amounting to a denial of due process, not shown on the record, testimony thereon may be taken in the court. The court shall, upon request, hear oral argument and receive written briefs. Upon the hearing of such appeal, the action of the Zoning Board shall be presumed by the court to be proper and to best serve the public interest. The court may affirm the decision of the Zoning Board or remand the case for further proceedings, or it may reverse or modify the decision if the substantial rights of the appellants may have been prejudiced because the Zoning Board's findings, inferences, conclusions, or decisions are:

- (1) In violation of constitutional or charter provisions; or