

(2) THE REFEREE'S EVIDENCE, FINDINGS, AND CONCLUSIONS shall constitute a part of the proceedings [upon] ON which the determination of the court shall be made.

(c) [Costs shall not be allowed] THE CIRCUIT COURT MAY NOT ALLOW COSTS against the board unless it [shall appear] APPEARS to the [circuit] court that [it] THE BOARD, IN MAKING THE DECISION THAT IS THE SUBJECT OF THE APPEAL, acted:

- (1) [with] WITH gross negligence;
- (2) [, or in] IN bad faith[,]; or
- (3) [with] WITH malice [in making the decision appealed from].

(d) All issues in any proceeding under this section shall [have preference over] BE SCHEDULED AND HEARD BEFORE all other civil actions and proceedings.

(e) (1) [Upon its determination of the case] AFTER DECIDING AN APPEAL UNDER THIS SECTION, the circuit court shall file a formal order embodying its final decision.

(2) (I) [An appeal may be taken to] A PARTY MAY FILE AN APPEAL FROM A DECISION OF THE CIRCUIT COURT WITH the Court of Special Appeals, during the period and in the manner prescribed by the Maryland Rules[, from any decision of the circuit court. In such cases the award of costs shall be subject to the discretion of the].

(II) THE Court of Special Appeals MAY AWARD COSTS IN ANY APPEAL TO THAT COURT UNDER THIS PARAGRAPH.

(f) (1) In addition to the appeal provided in this section, a local legislative body may [provide for] ALLOW AN appeal to the circuit court of any matter arising under the planning and zoning laws of the [county or municipal corporation] LOCAL JURISDICTION.

(2) [The] A decision of the circuit court UNDER THIS SUBSECTION may be appealed to the Court of Special Appeals.

#### 4.09. Implementation of economic growth and resource protection provisions.

[(a)] On or before July 1, 1997, and subsequently at intervals of no more than 6 years which correspond to the plan revision under ARTICLE 66B, § 3.05(b) of [this article] THE CODE, a local jurisdiction shall ensure that the implementation of the provisions of the plan that comply with ARTICLE 66B, [§§ 3.05(a)(1)(vi) and (viii) and 3.06(b)] §§ 1.01, 3.05(A)(4)(VII), AND 3.06(C) of [this article] THE CODE are achieved through the adoption of applicable zoning ordinances and regulations, planned development ordinances and regulations, subdivision ordinances and regulations, and other land use ordinances and regulations that are consistent with the plan.

[(b) Unless comprehensive rezoning is required to comply with subsection (a) of this section, nothing in subsection (a) of this section shall require or limit the authority of a local jurisdiction to undertake or adopt a comprehensive rezoning prior to July 1, 1997.]