

(3) [Nothing in this] THIS subsection [shall] DOES NOT change the existing standards for THE review of [any] A zoning action.

(b) (1) If, [upon the] AFTER A hearing, [it shall appear to] the court DETERMINES that testimony is necessary for the proper disposition of the matter, [it] THE COURT may take evidence or appoint a referee to take [such] THE REQUIRED evidence [as it may direct] and report [the same] THE EVIDENCE to the court with [his] THE REFEREE'S findings of fact and conclusions of law[, which].

(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