

HEARING EXAMINER UNDER THIS SECTION SHALL BE DECIDED BY THE CIRCUIT COURT ON THE RECORD TRANSMITTED BY THE BOARD OF APPEALS OR HEARING EXAMINER, AND MAY NOT BE HEARD DE NOVO.

(2) If, after a hearing, the court determines that testimony is necessary for the proper disposition of the matter, the court may take evidence or appoint a referee to take the required evidence and report the evidence to the court with the referee's findings of fact and conclusions of law.

[(2)] (3) The referee's evidence, findings, and conclusions shall constitute a part of the proceedings on which the determination of the court shall be made.

5.03.

(a) (1) Before exercising the powers granted in § 5.02 of this subtitle, the planning commission shall [prepare] RECOMMEND regulations TO THE LOCAL LEGISLATIVE BODY governing the subdivision of land within the local jurisdiction, FOR THE HEALTH, SAFETY, WELFARE, AND COMMON INTEREST OF THE CITIZENS OF THE LOCAL JURISDICTION.

(b) (3) (i) Instead of requiring the completion of improvements and utilities before the final approval of a plat, a planning commission may accept a bond with surety, AN IRREVOCABLE LETTER OF CREDIT, OR ANY OTHER FORM OF SECURITY ACCEPTABLE TO AND APPROVED BY THE LOCAL JURISDICTION, to secure to the local jurisdiction the actual construction and installation of the improvements or utilities.

(ii) The bond SECURITY shall specify the time for completion and specifications fixed by or in accordance with the regulations of the planning commission.

(iii) The local jurisdiction may enforce the bond SECURITY by any appropriate legal or equitable remedy.

8.05.

(d) The local jurisdiction may not grant a permit for a change [under this section] TO A SITE OR STRUCTURE OR TO A SITE OR STRUCTURE LOCATED IN A DISTRICT until the historic district commission or historic preservation commission has acted on the application as provided under § 8.06 of this subtitle.

14.06.

(b) Notwithstanding any other provision of this article, the Board of County Commissioners may overrule an action of the Frederick County planning commission UNDER §§ 3.05, 3.06, 3.07, AND 3.08 OF THIS ARTICLE by a majority vote of the membership of the Board of County Commissioners.

SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 14.05(c) and 14.08 of Article 66B – Zoning and Planning of the Annotated Code of Maryland (as enacted by Chapter ___ (S.B. ___ (01r1823)/H.B. ___ (01r0484)) (H.B. 889/S.B. 624) of the Acts of the General Assembly of 2000) be repealed.