

Bond Case Briefs

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ZONING - MARYLAND

County Council of Prince George's County v. Zimmer Development Co.

Court of Appeals of Maryland - May 28, 2014 - A.3d - 2014 WL 2208279

Property developer applied for approval of a comprehensive design plan and a specific design plan for a proposed retail center. County planning board approved the plans. District council decided on its own motion to review the case, held a public hearing, and remanded to the planning board to reconsider certain issues. Planning board held a hearing and again approved the application. District council again decided on its own motion to review the case and, after it heard oral argument, denied the application. Developer petitioned for judicial review. The Circuit Court reversed district council's decision and reinstated planning board's approval of the plans. Appeal followed.

The Court of Appeals held that:

- Issue of whether developer could obtain judicial review was one of standing, not subject-matter jurisdiction;
- District council is vested with appellate jurisdiction, not original jurisdiction, over zoning matters; and
- When reviewing the case for the second time, district council was limited to the remand issues expressly considered by planning board.