

Bond Case Briefs

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ZONING & PLANNING - MARYLAND

City of Hyattsville v. Prince George's County Council

Court of Special Appeals of Maryland - February 23, 2022 - A.3d - 2022 WL 533996

City and residents petitioned for judicial review of decision of county council, sitting as district council, to rezone part of property located within city from “open space” zone to “one-family detached residential” zone and to amend list of allowed uses to permit townhouses to be constructed on the property.

The Circuit Court affirmed decision. City and residents appealed.

The Court of Special Appeals held that:

- County zoning ordinances, which treated district council as primary and final decision maker on request to change underlying zone or allowed uses for property in development district overlay zone, did not violate division of authority established by Maryland-Washington Regional District Act (RDA);
- District council’s decision to approve application to rezone part of property and to amend list of allowed uses was, in substance, a decision to approve zoning map amendment that RDA required council to make;
- District council’s decision to establish approval criteria for changes to underlying zone without any reference to change-mistake requirement was appropriate exercise of council’s zoning powers;
- Substantial evidence supported district council’s conclusion that rezoning and amending list of allowed uses conformed with purposes and recommendations for development district overlay zone, as stated in sector plan, and did not substantially impair implementation of sector plan;
- Footnote attached to top line of table of standards for development district overlay zone did not operate to prohibit changes to list of allowed uses, and, thus, district council was authorized under county zoning ordinances to change list of allowed uses for property, provided that council found proposal met criteria in ordinances for approving zoning request; but
- District council was required under county zoning ordinances to approve maximum densities in terms of dwelling units per net acre of net lot or tract area, instead of dwelling units per acre.