
ZONING & PLANNING - MARYLAND

Prince George's County Council v. Concerned Citizens of Prince George's County

Supreme Court of Maryland - August 22, 2023 - A.3d - 2023 WL 5358452

Citizens of county filed petition for review of county district council's decision to enact bill amending zoning ordinance so as to exempt site of private airport, under certain conditions, from housing and development density restrictions generally applicable to properties in residential-agricultural (R-A) zone.

The Circuit Court, affirmed council's decision. Citizens appealed. The Court of Special Appeals reversed, finding that council bill violated requirement of uniformity in zoning laws. Airport's owners and council petitioned for writ of certiorari, and after writ was granted, council withdrew as party. Citizens moved to dismiss on ground of mootness in light of new council bill.

The Supreme Court held that:

- Council had authority to act legislatively to exempt airport site from development restrictions of R-A zone;
- Amendment served valid public purpose, namely encouraging redevelopment of land currently used for nonconforming and dangerous airport;
- Citizens failed to establish that developers' conduct evinced favoritism on the part of council;
- State's authority to regulate airports did not preclude county from amending zoning ordinance based on public safety concerns;
- Ordinance's facial neutrality was not dispositive of uniformity violation;
- Any intent or belief on council's part that amendment would only affect airport site was not dispositive of uniformity violation; and
- Amendment did not discriminate between similarly-situated properties.

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