

UNREPORTED*
IN THE APPELLATE COURT
OF MARYLAND

No. 1469

September Term, 2023

12405 CRAIN HOLDINGS LLC, *et al.*

v.

PRINCE GEORGE'S COUNTY COUNCIL

Zic,
Ripken,
Getty, Joseph M.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Getty, J.

Filed: February 24, 2026

*This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to Rule 1-104(a)(2)(B).

Maryland appellate courts have reviewed several zoning decisions by the County Council of Prince George’s County over the past decade. In this case, we review the countywide rezoning of Prince George’s County undertaken in 2021. Notably, this case is also the second in a two-part series of cases regarding rezoning in Prince George’s County. The first case challenged two Council Resolutions enacted in 2019 by the County Council of Prince George’s County (“County Council” or “District Council”), sitting as the District Council for that portion of the Maryland-Washington Regional District in Prince George’s County. *Cnty. Council of Prince George’s Cnty. v. Robin Dale Land LLC*, 263 Md. App. 1, 8 (2024). The Council Resolutions, CR-11-2019 and CR-12-2019, revised sectional map amendments and area master plans originally enacted in 2009 to assign zoning and development tier classifications for certain properties located in Prince George’s County Planning Subregions 5 and 6. *Id.*

As litigation concerning CR-11-2019 and CR-12-2019 was ongoing, the District Council subsequently adopted another Council Resolution, CR-136-2021, in 2021. This Resolution approved a Countywide Sectional Map Amendment that applied new zoning classifications to all the properties in the Prince George’s County part of the Regional District. *Id.* at 33. The District Council then asserted that CR-136-2021 was a comprehensive rezoning statute that rendered objections to the prior rezoning moot. *Id.* at 34.

The adoption of CR-136-2021 is the basis of the instant appeal. The Appellants here are a collection of forty-two property owners in Prince George’s County (the “Property Owners”) who allege that their properties were rezoned improperly by the 2021

Countywide Sectional Map Amendment. After unsuccessfully challenging CR-136-2021 in the Circuit Court for Prince George’s County, the Property Owners filed this appeal in March 2024.

In December 2024, the Supreme Court of Maryland granted a petition for a writ of certiorari in *Robin Dale*, the prior case concerning the 2019 Resolutions. Among the questions the Court was asked to answer was whether CR-136-2021 was indeed a comprehensive rezoning that constituted a substantive change in the law. *Cnty. Council of Prince George’s Cnty. v. Robin Dale Land LLC*, 491 Md. 105, 115 (2025). Accordingly, we stayed the instant appeal until the Supreme Court resolved this issue.

The Supreme Court rendered its decision in July 2025. Relying on statements made by the District Council in the implementing legislation and documents intended to inform the public, the Court determined “that the 2021 countywide rezoning was *not* a comprehensive rezoning as that term is discussed in our case law, but was, instead, a technical, non-substantive mapping exercise intended to implement the new zoning ordinance by placing each property in the County into a zone that most closely approximated its zone under the prior zoning ordinance.” *Id.* at 149 (emphasis added).

Following *Robin Dale*, we lifted the stay on this appeal. The Property Owners here have presented two questions concerning the 2021 rezoning for our review, which we have rephrased as follows:¹

¹ The questions as presented by the Appellants are:

- I. Was the District Council required to transition all properties in the County to the “most similar zone” contained in the new Zoning Ordinance?

1. Did the District Council properly rezone the properties in accordance with the procedures created by the new Zoning Ordinance and the other implementing legislation?
2. Did HB 980 bar the District Council from approving a request for zone intensification that differs substantially from the classification recommended by the Approved Guide to New Zones?

We also asked the parties to address two supplemental questions concerning the impact of the *Robin Dale* decision on this case:

1. In *Robin Dale*, the Supreme Court held that the District Council’s November 2021 adoption of CR-136-2021 did not constitute a comprehensive rezoning. What impact does the Supreme Court’s holding have on the captioned appeal?
2. In *Robin Dale*, the Supreme Court held that the District Council erred when it enacted CR-11-2019 and CR-12-2019 (the “2019 Resolutions”) and that the 2019 Resolutions must be reversed and the cases remanded to the District Council for it to address the merits of the Property Owners’ contentions. One of the Property Owners is MCQ Auto Service Center, Inc. (“MCQ”). MCQ is also an appellant in the captioned appeal. Does the Supreme Court’s holding render MCQ’s challenge to the adoption of CR-136-2021 in the captioned appeal moot?

We will first address the impact of the *Robin Dale* decision on our analysis before reaching the merits of the parties’ contentions. As we will explain, we see no error in the District Council’s 2021 countywide rezoning and will affirm the decision of the Circuit Court for Prince George’s County.

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- a. The *Accardi* Doctrine Dictates that the Appellee was Required to Provide the “most similar zone” in the new Zoning Ordinance.
 - b. The Failure to Provide Landowners the “Most Similar Zone” in the CMA was an Error of Law.
- II. Did the District Council Err in its Interpretation and Application of Section 2(b) of House Bill 980?

BACKGROUND

In October 2018, the Appellee, the County Council of Prince George’s County, approved the text of a new Zoning Ordinance. In so doing, the County Council adopted two bills: CB-13-2018 and CB-14-2018. The first, CB-13-2018, amended Subtitle 27 of the County Code to reflect the new zoning classifications. The second, CB-14-2018, added provisions to the Code for the purpose of establishing specified procedures for the consideration and approval of a comprehensive amendment of the County Zoning Map and for the non-substantive zoning reclassification of land located within all planning areas of the Maryland-Washington Regional District within Prince George’s County. More specifically, CB-14-2018 called for the preparation and approval of a Countywide Sectional Map Amendment (“CMA”) with the purpose of efficiently and effectively rezoning all real property in the County to the zoning categories contained in the new Zoning Ordinance.

In July 2019, the County Council adopted CR-27-2019, a resolution aimed at guiding the implementation of the CMA. The County Council also adopted three documents attached to the resolution: (1) a document titled “Draft Recommended Goals, Concepts, and Guidelines and Public Participation Program” (the “Public Participation Program”); (2) a proposed schedule for the countywide rezoning; and (3) a decision matrix titled “Approved Guide to New Zones,” meant to guide how the existing zones would be converted to the new zones, dated July 2019. The Public Participation Program discussed the outreach strategy for implementing the CMA, saying:

The aim of the outreach strategy is to support the CMA’s overall goals of transitioning the existing zone categories for every property in the County (except within the City of Laurel) to the most similar zone category in the new Zoning Ordinance; providing transparent rules for the non-substantive, technical rezoning of properties in Prince George’s County; and ensuring that all zoning conversions are objective, transparent, and consistent.

That fall, the Maryland-National Capital Park and Planning Commission (“M-NCPPC”) released a proposed Zoning Map depicting every property in the County and identifying each property’s then-existing zone and proposed new zone.

While awaiting a joint public hearing on the CMA, the Maryland General Assembly, during the 2021 Legislative Session, passed House Bill 980 (“HB 980”), an amendment to the Maryland Public Ethics Law, which was enacted under Article II, Section 17(c) of the Maryland Constitution on May 30, 2021.² The Maryland Public Ethics Law, codified in the General Provisions Article (“GP”) of the Maryland Code, prohibits a councilmember from voting or participating in a proceeding on a zoning application if that member’s political campaign committee or slate has received a payment from the applicant during the pendency of the application or in the preceding thirty-six months. *See* GP § 5-835(b)(1). The purpose of HB 980 was, among other things, to temporarily exempt “a member of the Prince George’s County Council from the prohibition against voting or participating in a proceeding regarding a countywide zoning map amendment under certain circumstances[.]” 2021 Md. Laws Ch. 429. The bill only applied during the period when

² Section 17(c) of Article II of the Maryland Constitution provides: “Any Bill presented to the Governor within six days (Sundays excepted), prior to adjournment of any session of the General Assembly, or after such adjournment, shall become law without the Governor’s signature unless it is vetoed by the Governor within 30 days after its presentment.”

the County Council, sitting as the District Council, was considering the CMA. *Id.* § 2(a). Section 2(b) of HB 980 stated that, “[e]xcept on a demonstration of error in the public record after a public hearing,” the District Council may not approve any request for zone intensification that “differs substantially from the applicable zoning category or classification” recommended in the Approved Guide to New Zones. *Id.* § 2(b).

The joint public hearing on the CMA was held over two days on September 13 and 14, 2021. Appellants, the Property Owners, testified at the hearing and generally claimed that the proposed zoning for their properties would result in a substantive change in zoning classification and was not the “most similar zone” to their existing zone. The Property Owners also submitted written testimony in the form of rezoning requests setting forth evidence that the proposed zoning was in error because it was not the “most similar zone” contained in the new Zoning Ordinance.

In October 2021, the M-NCPPC issued a memorandum summarizing the record of testimony and requesting that the Planning Board endorse the proposed zoning map amendments. The memorandum stated that a change in zones, which the Property Owners complained of, was not an error of application of the Council’s Approved Guide to New Zones. Citing HB 980, the memorandum also said that only a successful demonstration of error in the application of the Council’s Approved Guide will result in a recommendation for a revision to the proposed zoning map. The County Council rejected the Property Owners’ rezoning requests and approved the CMA on November 29, 2021, via a county resolution, CR-136-2021.

In December, the Property Owners filed over thirty Petitions for Judicial Review of

CR-136-2021 in the Circuit Court for Prince George’s County. The circuit court heard oral arguments in June 2023, and, in August, affirmed the County Council’s adoption of CR-136-2021. In its opinion, the court found that adoption of CR-136-2021 was a legislative act and a comprehensive rezoning and, therefore, entitled to a “strong presumption of validity.”

STANDARD OF REVIEW

“Judicial review of an administrative agency action is typically ‘limited to determining if there is substantial evidence in the record as a whole to support the agency’s findings and conclusions, and to determine if the administrative decision is premised upon an erroneous conclusion of law.’” *Cnty. Council of Prince George’s Cnty. v. Chaney Enters. Ltd. P’ship*, 454 Md. 514, 528 (2017) (quoting *Marzullo v. Kahl*, 366 Md. 158, 171 (2001)). But the four questions we are tasked with answering—(1) what effect the *Robin Dale* decision has on the instant case; (2) whether MCQ’s claim is moot; (3) whether the rezoning was procedurally proper pursuant to CR-27-2019; and (4) whether the District Council properly interpreted HB 980—are questions of law, which we review without deference. *See id.*

DISCUSSION

WHAT IMPACT DOES *ROBIN DALE* HAVE ON THE CAPTIONED APPEAL?

The Property Owners argue that the Supreme Court’s holding in *Robin Dale* impacts the standard of review we apply when evaluating the County Council’s adoption of CR-136-2021. We agree.

In its opinion, the circuit court determined that CR-136-2021 was “comprehensive zoning and rezoning legislation” and therefore, was accorded a “strong presumption of validity.” *See, e.g. Howard Cnty., Md. v. Dorsey*, 292 Md. 351, 355 (1982) (recognizing that “there is a strong presumption of the correctness of original zoning and of comprehensive rezoning, and that ‘strong evidence’ of error is required to overcome that presumption”); *Heller v. Prince George’s Cnty.*, 264 Md. 410, 412 (1972) (“We have said quite often that there is a strong presumption of the correctness of original zoning and comprehensive rezoning[.]”); *Norbeck Vill. Joint Venture v. Montgomery Cnty. Council*, 254 Md. 59, 66 (1969) (“The broad test of the validity of a comprehensive rezoning is whether it bears a substantial relationship to the public health, comfort, order, safety, convenience, morals and general welfare, and such zoning enjoys a strong presumption of validity and correctness.”).

However, now that the Supreme Court has conclusively determined that CR-136-2021 was *not* a comprehensive rezoning, the County Council’s actions are no longer entitled to that same presumption of correctness. Instead, a court is permitted to reverse or modify the County Council’s decision for any of the reasons specified in Section 22-407 of the Land Use Article (“LU”) of the Maryland Code. *See Prince George’s Cnty. Council v. Concerned Citizens of Prince George’s Cnty.*, 485 Md. 150, 178 (2023). Section 22-407 provides the standards of judicial review for the County Council’s “final decision[s]” in zoning matters. The statute provides that a court may reverse or modify the decision if the action is: “(i) unconstitutional; (ii) in excess of the statutory authority or jurisdiction of the district council; (iii) made on unlawful procedure; (iv) affected by other error of law;

(v) unsupported by competent, material, and substantial evidence in view of the entire record as submitted; or (vi) arbitrary or capricious.” LU § 22-407(e)(3).

DOES THE SUPREME COURT’S HOLDING IN *ROBIN DALE* RENDER MCQ’S CHALLENGE TO CR-136-2021 MOOT?

The subject of the *Robin Dale* case was the District Council’s adoption of a master plan and sectional map amendment in 2009 for two specific regions in Prince George’s County—Subregions 5 and 6. 491 Md. at 123. During that map amendment process, a portion of MCQ’s property was downzoned from C-M (Commercial Miscellaneous) to R-R (Rural Residential). *Id.* at 124–25. MCQ then filed a revisory petition asserting that the decision to downzone was based on erroneous information. *Id.* at 126. The District Council agreed, and, after summarizing and evaluating the evidence, determined that the rezoned portion of the property “should have been left in the C-M Zone when the Council approved the Subregion 5 Master Plan and Sectional Map Amendment.” *Id.*

Despite this, MCQ’s property was inexplicably downzoned from C-M to R-R two additional times in 2013 and 2019, when the District Council adopted revised versions of the master plans and sectional map amendments after they were returned on remand from both the Circuit Court for Prince George’s County and this Court. *Id.* at 130–35. In *Robin Dale*, the Supreme Court reversed the 2019 Resolutions and remanded to the District Council with specific instructions that the record of MCQ’s successful revisory petition must be included in the universe of facts for the Council to consider, and that the Council must “clarify its response to” MCQ’s revisory petition. *Id.* at 162–63.

Between the downzoning of MCQ’s property in 2019 and the *Robin Dale* decision in 2025, the District Council adopted CR-136-2021—the subject of the instant appeal. Because MCQ’s property had still been classified as R-R in 2021 when CR-136-2021 was adopted, the property was then rezoned to its corresponding new zone in the Approved Guide to New Zones, RR (Residential, Rural). MCQ now argues that this classification is in error because the property should have been zoned as C-M at the time that CR-136-2021 was adopted, and therefore, “the most similar zone would have been the CS [Commercial, Service] Zone.” The District Council, however, contends that MCQ’s challenge to CR-136-2021 is moot because the Supreme Court “granted a remedy and relief to MCQ when it remanded the 2019 Resolutions to the District Council for an advertised public hearing to allow MCQ to be heard on all contentions relating to the 2009 Subregion 5 record and its revisory petition.”

“Generally, a case is moot if no controversy exists between the parties or when the court can no longer fashion an effective remedy.” *D.L. v. Sheppard Pratt Health Sys., Inc.*, 465 Md. 339, 351–52 (2019) (internal quotations omitted). Here, there remains a live controversy between the parties because the *Robin Dale* case and the case *sub judice* deal with two distinct zoning actions by the District Council—one which was a region-specific sectional map amendment, and one which was a countywide rezoning based on the new zoning classifications. While the District Council is correct in asserting that the Supreme Court granted MCQ relief for its contentions relating to the 2009 Subregion 5 record, that does not necessarily mean that MCQ received relief relating to the countywide rezoning that was undertaken by CR-136-2021. Even if MCQ’s prior zoning classification of C-M

were restored, MCQ retains an interest in ensuring that the CMA is then correctly applied and that its property is then properly rezoned based on the new Zoning Ordinance. Accordingly, MCQ’s challenge to CR-136-2021 in this appeal is not moot.

Moreover, just as the relief granted to MCQ in *Robin Dale* does not render its objection to CR-136-2021 moot, our affirmance of the circuit court’s decision to uphold CR-136-2021 in this case does not release the District Council from its obligations as to the 2019 revised sectional map amendment. The two zoning actions remain distinct, and the District Council is still bound by the mandate issued in *Robin Dale* as it relates to MCQ.

WERE THE PROPERTIES PROPERLY REZONED?

Having determined the effect of the Supreme Court’s *Robin Dale* decision on the instant case, we now turn to the merits of the Property Owners’ contentions. The Property Owners argue that the County Council “violated its own rules and regulations in adopting the CMA when it failed to provide landowners with the ‘most similar zone.’” At the core of the Property Owners’ grievance is the County Council’s use of the decision matrices provided in the Approved Guide to New Zones. They allege that “[t]here were many instances where application of the Decision Matrix did not result in the ‘most similar zone’ being assigned to a given property.” They proffer that their properties “are now in zones that prohibit existing or approved uses, and have drastically different development regulations than those in the prior zone.”

In response, the M-NCPPC states that the creation of nonconformities and changes in uses and regulations does not necessarily mean that the decision matrices were applied incorrectly or that the Property Owners were not given the most similar zone within the

meaning of the ordinance. They explain that: “The fact that zone names may change, zone purposes may evolve, zone regulations may differ, or zone uses may change **does not mean that the new zone is not the most similar zone to an old zone.** Most similar **does not mean** identical.” (Emphasis in original) The M-NCPPC also defended its strict application of the Approved Guide to New Zones in its memorandum, saying:

It is the unanimous professional belief based on many decades of cumulative staff experience that the only way to meet the goals and directives associated with the CMA is to follow the Council’s Approved Guide to the letter and that no other zoning change is appropriate in the CMA process other than to correct an identified error in the application of the Council’s Approved Guide.

Notably, the Property Owners do not allege that the decision matrices in the Approved Guide to New Zones were incorrectly applied to their properties, but instead that strict application of the Approved Guide resulted in their properties being rezoned to new zones that were not in fact most similar to their previous zones. Therefore, the heart of this issue comes down to how transitioning the properties to “the most similar zone category in the new Zoning Ordinance” was to be achieved and whether the County Council followed the proper procedure.

On this point, the Property Owners rely on the *Accardi* doctrine. In *U.S. ex rel. Accardi v. Shaughnessy*, the United States Supreme Court held that an administrative decision was subject to invalidation because of the agency’s “failure to exercise its own discretion, contrary to existing valid regulations.” 347 U.S. 260, 268 (1954). This doctrine was made applicable to administrative hearings in Maryland through the case of *Pollock v. Patuxent Institution Board of Review*, 374 Md. 463 (2003). In *Pollock*, our Supreme Court

adopted a modified version of the *Accardi* doctrine, saying that “an agency of the government generally must observe rules, regulations or procedures which it has established and under certain circumstances when it fails to do so, its actions will be vacated and the matter remanded.” 374 Md. at 503. The Court, however, added a prejudice requirement, holding that “prejudice to the complainant is necessary before courts vacate agency action.” *Id.* at 504.

Whether the *Accardi* doctrine applies in a given case is a question of law that requires the courts to scrutinize the agency rule or regulation at issue. *Id.* at 503. The Property Owners here assert that the “most similar zone” requirement was in and of itself an independent rule or regulation subject to *Accardi*. We disagree. A review of the record indicates that the required procedure pursuant to the implementing legislation—thus that which would be subject to *Accardi*—was to apply the Approved Guide to New Zones to each property within the county. The “most similar zone” language simply describes the purpose of the CMA process rather than imposing an independent requirement.

The “most similar zone” language first appeared in the Public Participation Program document, an attachment to CR-27-2019. It appeared in a section entitled “Outreach Strategy” and was described as an “overall goal[]” of the CMA that every property in the county be transitioned to the “most similar zone category in the new Zoning Ordinance.” Thereafter, the phrase reappeared two additional times. First, the notice sent to property owners advising them of the joint public hearing to be held in September 2021 gave a description of the CMA, stating:

In order to implement the new Zoning Ordinance, Prince George’s County must apply the new zones to all properties in the County. The process of applying the new zones is known as the Countywide Sectional Map Amendment, or CMA. The CMA will apply the new zoning regulations to land in the County and transition the existing zone to the most similar contained in the new Zoning Ordinance.

Then, at the joint public hearing, the District Council chairman again described the goal of the CMA, saying: “The primary goal of the CMA is to transition existing zoning categories from every property in the County to the most similar zone category in the new zoning ordinance.”

The “most similar zone” language was consistently used to describe the goal or purpose of the CMA, but did not by itself explain how that goal was to be achieved or what made a new zone “most similar” to a pre-existing zone. This explanation came from the Approved Guide to New Zones. The Public Participation Program document, the same attachment which first articulated the goal of providing the “most similar zone,” explained the importance of the Approved Guide, saying: “The Guide to New Zones is a booklet which details how all properties in the County will transition from their current zone district to the closest corresponding zone district contained in the new Zoning Ordinance[.]” The M-NCPPC also clarified that application of the Approved Guide is how the “most similar zone” was determined when it said that “the only way to meet the *goals* and directives associated with the CMA [*i.e.*, assigning the most similar zone] is to follow the Council’s Approved Guide to the letter[.]” (Emphasis added).

The bills and resolutions passed by the County Council also stressed the necessity of applying the Approved Guide. Section 27-1901(b)(3) of the county zoning code, added

by CB-14-2018, required that “[t]he Resolution of initiation approved by the District Council for the CMA *shall* include: . . . [a] staff decision matrix to guide recommendations during the preparation of a proposed CMA.” (Emphasis added). Pursuant to that bill’s mandate, the District Council then expressly considered and approved the Guide to New Zones as its guideline in CR-27-2019.

Taking the bills, resolutions, attachments, and other statements by the County Council together, it is evident that assigning each property within the county to the “most similar” new zone was the goal of the CMA, and that goal was to be achieved through faithful application of the Approved Guide to New Zones and the decision matrices therein. Although the Property Owners may be aggrieved by the ultimate result of that application, we find no failure on the part of the County Council to follow its own prescribed procedures.

DID HB 980 BAR APPROVAL OF REQUESTS FOR ZONE INTENSIFICATION?

The Property Owners further allege that the County Council misinterpreted HB 980 and erred as a matter of law in adopting the CMA. The Property Owners claim that the Council erroneously interpreted Section 2(b) of HB 980 “as removing all discretion to vary from the Guide to New Zones[.]” The County Council stated its interpretation as follows:

HB-980 *prohibits* the Planning Board from recommending “any request made on or behalf of [sic] any person for zone intensification that differs substantially from the applicable zoning category or classification recommended in the Proposed Guide to New Zones adopted by the District Council on July 16, 2019, under Council Resolution 27-2.”

(Emphasis added.)

We note firstly that this interpretation nearly mirrors the plain language of the statute, which reads:

Except on a demonstration of error in the public record after a public hearing, the Prince George’s County Planning Board *may not* recommend, and the District Council *may not* approve, any request made by or on behalf of any person for zone intensification that differs substantially from the applicable zoning category or classification recommended in the Proposed Guide to New Zones adopted by the District Council on July 16, 2019, under Council Resolution 27-2.

2021 Md. Laws Ch. 429 § 2(b) (emphasis added). Accordingly, we need not look any further to determine whether the Council’s interpretation is correct, as we will give effect to the plain meaning of the statute as written. *See 75-80 Properties, L.L.C. v. Rale, Inc.*, 470 Md. 598, 623–24 (2020) (collecting cases). The plain language of the statute does indeed bar the Planning Board from recommending a request for zone intensification that deviates from the category provided in the Approved Guide to New Zones, absent an error in the record.

However, we feel it helpful to explain some of the legislative history surrounding HB 980 to better illuminate why the County Council’s interpretation is the right one, and why it is consistent with the General Assembly’s intent when enacting that bill. HB 980 amended portions of Sections 5-833 and 5-835 of the General Provisions Article of the Maryland Code, commonly known as the Maryland Public Ethics Law. The Maryland Public Ethics Law generally prohibits a member of the County Council from participating in a proceeding on an application for a land use decision in the county if the member has received a monetary payment as a campaign contribution from the applicant or an agent of

the applicant within a 36-month period. Dep’t of Leg. Servs., Fiscal and Policy Note, H.B. 980 (2021 Sess.) at 2.

The reason for this prohibition dates back to the late 1980s, when Prince George’s County came under scrutiny after various newspapers reported that Council members were receiving significant campaign contributions from development interests. 100 Op. Att’y Gen. 55, 64–65 (Apr. 15, 2015). Early in the 1992 legislative session, the Washington Post reported that a federal grand jury had subpoenaed the County’s zoning records relating to those developers who had been “among the biggest financial contributors to County Council campaigns[.]” *Id.* at 70 (quoting Michele L. Norris and Paul Duggan, *P.G. Probe Eyes Top Developers; Land-Use Inquiry Targets Council’s Ties to Businessmen*, Washington Post (Jan. 23, 1992)). Ethics legislation was thereafter enacted in the 1993 session. *Id.* at 71. The 1993 legislation established many of the present contours of the law, including the disqualification obligation. *Id.* The ethics law was then amended in 2011, again in response to reports of corruption in the county. *Id.*

Because the CMA process here involved rezoning every property in Prince George’s County, the Public Ethics Law’s participation restrictions disqualified the majority of County Council members, such that the Council could not hold a vote on the CMA. This necessitated HB 980, which temporarily exempted members of the County Council from the participation restrictions when “[t]he proceeding in which the member participates is part of a countywide zoning map amendment that is recommended by the Planning Board, where the intent is to implement an approved general plan by repealing and replacing all

zoning categories applicable to land in Prince George’s County.” 2021 Md. Laws Ch. 429 § 1.

This exemption sparked concerns about the possibility for further corruption, so the uncodified portion of the bill contained some key limitations. First, the exemption applied only “during the period when the District Council of Prince George’s County is adopting and approving a countywide zoning map amendment for Prince George’s County.” *Id.* § 2(a). Second, the General Assembly added Section 2(b), the operative provision at issue here, which, according to the bill’s Fiscal and Policy Note, “generally prohibits . . . the planning board from recommending, and the district council from approving, specified zone intensification requests that differ substantially from the applicable zoning category or classification recommended in the Proposed Guide to New Zones adopted by the district council.” Dep’t of Leg. Servs., Fiscal and Policy Note, H.B. 980 (2021 Sess.) at 1.

Considering the plain language of Section 2(b) and its context, it is apparent that the provision was designed to limit the District Council’s discretion to upzone specific properties outside the bounds of the Approved Guide to New Zones. This is the same view as was taken by the Supreme Court in *Robin Dale*, where the Court referred to Section 2(b) as “guardrails” placed on the CMA process by the General Assembly that “*prohibited* the Planning Board from recommending, and the District Council from granting, a request for a more intensive zoning classification during the countywide sectional map amendment process.” 491 Md. at 153 (emphasis in original). The Court then explained that the General Assembly “required that the Council adhere to the Decision Matrix,” and “remov[ed] any

option for the Council to consider rezoning properties to more intensive use districts[.]” *Id.* at 153–54. As such, we find no error in the Council’s interpretation of HB 980.

CONCLUSION

For the foregoing reasons, we hold firstly that MCQ’s challenge to the adoption of CR-136-2021 in this case has not been rendered moot by the Supreme Court’s decision in *Robin Dale*, and that the District Council remains bound by that decision. We then conclude that the District Council, through CR-136-2021, properly rezoned the properties pursuant to the procedures prescribed by CR-27-2019 and properly interpreted HB 980 as limiting its discretion to vary from the Approved Guide to New Zones. The judgment of the Circuit Court for Prince George’s County is affirmed.

**JUDGMENT OF THE CIRCUIT
COURT FOR PRINCE GEORGE’S
COUNTY IS AFFIRMED. COSTS TO
BE PAID BY APPELLANTS.**