

Bond Case Briefs

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ZONING & LAND USE - MARYLAND

Precision Small Engines, Inc. v. City of College Park

Court of Appeals of Maryland - February 21, 2018 - A.3d - 2018 WL 991872

Property owners brought action against city and county, seeking declaration that memorandum of understanding (MOU) between city and county restricted city from requiring non-residential occupancy or building permits issued by city where occupants previously obtained use and occupancy or building permits from the county.

The Circuit Court determined that the MOU restricted city's authority to require permits. City and county appealed. The Court of Special Appeals reversed. Property owners petitioned for writ of certiorari, which was granted.

The Court of Appeals held that MOU between city and county permitted city to require non-residential occupancy and building permits under city building code in addition to use and occupancy and building permits that were required under county code; although MOU empowered city to enforce county's zoning laws, the MOU did not contain any relinquishment of power by the city in order to gain concurrent enforcement power, MOU made clear that parties intended for city to retain the right to create and enforce its own zoning laws, and power of city to enact regulations was separate from power granted by county in MOU.