

AN ORDINANCE
OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND
AMENDING THE CODE OF THE CITY OF BOWIE, CHAPTER 26 “ZONING,”
ARTICLE I “IN GENERAL” TO REFERENCE UPDATES TO THE PRINCE
GEORGE’S COUNTY ZONING ORDINANCE, TO AMEND VARIOUS
DEFINITIONS CONTAINED IN § 26-1 “DEFINITIONS”, TO AMEND § 26-2
“FENCES” TO CLARIFY WHERE FENCES MAY BE LOCATED; TO AMEND § 26-2
4 “PERMITTED VEHICLE PARKING IN THE R-R AND R-E ZONES” AND
REPEAL § 26-5 “VEHICLE PARKING IN THE R-55, R-80 AND R-T ZONES”, § 26-6
“VEHICLE PARKING IN THE R-30-C ZONE” AND § 26-7 “VEHICLE PARKING IN
THE O-S ZONE” TO CONSOLIDATE CITY CODE PROVISIONS REGARDING
THE TYPES OF VEHICLES THAT MAY BE PARKED IN RESIDENTIAL ZONES
IN THE CITY; AND OTHER MISCELLANEOUS NONSUBSTANTIVE CHANGES

WHEREAS, in 2018, the Prince George’s County Council Sitting as the District Council (“the District Council”) adopted Council Bill CB-13-2018, which comprehensively repealed and replaced the Prince George’s County Zoning Ordinance (“Zoning Ordinance”); and

WHEREAS, the Zoning Ordinance rewrite process concluded on November 29, 2021, when the Prince George’s County Council adopted CR-136-2021 approving a Sectional Map Amendment and making the Zoning Ordinance, subdivision regulations, and Landscape Manual effective on April 1, 2022. It should be noted, however, that there is a two-year transition period (through April 1, 2024); and

WHEREAS, the Code of the City of Bowie, Chapter 26 (“Chapter 26”) contains references to the prior Prince George’s County Zoning Ordinance that must be updated with references to the new Zoning Ordinance; and

WHEREAS, the City also desires to amend various definitions contained in Chapter 26 and clarify the types of vehicles that may be parked in the City; and

WHEREAS, after requests from City residents to allow fences on corner lots in locations that are currently not allowed, the City Council directed staff to review the issue, and City staff recommends that the City Council amend the required setbacks for fences located on corner lots, and

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WHEREAS, the City Council desires to make the proposed amendments, as well as to clarify the permissible location of fences in all yards of a residential lot.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Council of the City of Bowie, Maryland, that Chapter 26 of the Code of the City of Bowie, Article I "In General" is hereby amended to read as follows:

Article I. In General.

Sec. 26-1. Definitions.

* * *

2. "Inoperative Vehicle." A motor vehicle that is missing any of the following: its engine, tires, steering wheel, transmission, windows, fender, bumper, hood, or IS not displaying valid license plates for that vehicle or is partially dismantled or wrecked or ~~having~~HAS one or more flat tires or that is otherwise unable to be moved under its own power.

3. "Vehicle, commercial." Any motor vehicle not qualifying as a camping vehicle or passenger vehicle as defined in this Section THAT IS designed or used for HAULING OR carrying freight, merchandise, passengers, EQUIPMENT, SUPPLIES or tools of a trade for compensation or in furtherance of any commercial enterprise OR ANY MOTOR VEHICLE ADVERTISING A COMMERCIAL ENTERPRISE WITH LETTERING EXCEEDING FOUR (4) INCHES IN HEIGHT.

4. "Vehicle, passenger." Any motor vehicle licensed by the State of Maryland as a Class A or Class D motor vehicle, or ~~an~~ A panel van under three hundred (300) cubic foot load space capacity, and any ~~pick-up~~ PICKUP truck with a capacity of three-quarters (3/4) of a ton or less, which has no lettering on the vehicle exceeding four (4) inches in height.

5. "Camping Vehicle." A vehicle, originally ~~sold to the consumer by a manufacturer or dealer~~ MANUFACTURED for recreational purposes, which is self-propelled or capable of being towed by a passenger motor vehicle and which provides facilities for temporary camping or sleeping or both including a unit designed to be carried by an open pickup truck. The term

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camping vehicle includes "travel trailer," "camper," "recreational vehicle," "motor home," and "truck camper."

* * *

9. "Controlled hazardous substance." Any hazardous substance that the Maryland Department of the Environment or any successor department or agency identifies as a controlled hazardous substance or ~~low-level~~ LOW-LEVEL nuclear waste.

10. "Storage Shed or Shed." Any NON-INHABITABLE small structure, either free-standing or attached to a larger structure, PROVIDED IT IS FULLY ENCLOSED, serving as USED OR DESIGNED TO BE USED FOR THE storage for OF TOOLS AND OTHER ITEMS residential uses.

* * *

12. "New Development". Any development proposed within the City of Bowie for which building permit applications are submitted subsequent to the effective date of Ordinance No. O-02-90 of the City of Bowie, MARCH 6, 1990.

13. "Accessory Building" OR "ACCESSORY STRUCTURE." A building OR STRUCTURE subordinate AND INCIDENTAL to, and located on the same lot AS THE ~~with a main building~~ PRINCIPAL STRUCTURE and used for an accessory use; structures used for the benefit of a ~~main building~~ PRIMARY STRUCTURE.

* * *

15. "Private Parking Garage." A building used for housing private ~~motor~~ PASSENGER vehicles, only one of which may be a commercial vehicle OF THE TYPE ALLOWED TO BE PARKED IN THE ZONE IN WHICH THE GARAGE IS LOCATED. A PRIVATE PARKING GARAGE IS ALSO KNOWN AS A RESIDENTIAL GARAGE. THE GARAGE SHALL BE EITHER AN ACCESSORY BUILDING (DETACHED) OR PART OF OR ATTACHED TO THE PRINCIPAL BUILDING OR STRUCTURE BY A COMMON WALL.

16. "Residential Storage: The keeping or storing of items relating to, or items which are suitable for use in connection with, the place where one lives.

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17. "PRINCIPAL STRUCTURE." FOR THE PURPOSE OF ESTABLISHING SETBACKS, THE PRIMARY OR PREDOMINANT STRUCTURE ON ANY LOT OR PARCEL. FOR RESIDENTIAL PARCELS OR LOTS, THE PRINCIPAL STRUCTURE IS THE PRIMARY DWELLING.

~~17~~**18.** "Apparent Front Yard." The area of a residential lot between that part or parts of the PRINCIPAL building-STRUCTURE which THAT appear(s) to be its front because of its architectural features and orientation to a publicly dedicated street or private street or private parking area and the dedicated street.

~~18~~**19.** "Front Yard." ~~Front yard area shall be that~~ THE area OF A RESIDENTIAL LOT between the front of a PRINCIPAL structure and the publicly dedicated right-of-way, private right-of-way or parking area, extending the full width of the lot.

~~19~~**20.** "Rear Yard." ~~Rear yard area shall be that~~ THE area OF A RESIDENTIAL LOT between the rear of a THE PRINCIPAL structure and the rear lot line, extending ACROSS THE WIDTH OF A LOT between the side yards-LOT LINES. ~~Except, if a rear lot line abuts a publicly dedicated right-of-way, private right-of-way or parking area (excluding through corner lots as defined herein) the rear yard shall extend the entire width of the rear lot line.~~

~~20~~**21.** "Side Street Yard." ~~Side street yard shall be that~~ THE area of a lot on a corner or through corner lot which THAT is not the apparent front yard, but which abuts a publicly dedicated right-of-way, private right-of-way or parking area.

~~21~~**22.** "Side Yard." ~~Side yard shall be that area between the side of a structure and the side lot line, extending from the front yard to the opposite (back) lot line.~~ THE AREA BETWEEN THE SIDE LOT LINE OR SIDE STREET LINE AND THE NEAREST PART OF A PRINCIPAL STRUCTURE (OR ITS ENCLOSED OR COVERED PROJECTION), EXTENDING FROM THE FRONT YARD TO THE REAR YARD OR, IN THE ABSENCE OF EITHER OF THESE YARDS, TO THE FRONT STREET LINE AND REAR LOT LINE. IN THE ABSENCE OF A FRONT STREET LINE, ALL YARDS ARE SIDE YARDS.

~~22~~**23.** "Through Corner Lot." A lot which abuts a publicly dedicated right-of-way, private right-of-way or parking area on three sides.

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24. "RESIDENTIAL BASE ZONE." RESIDENTIAL BASE ZONES SHALL BE THOSE ZONES IDENTIFIED IN PRINCE GEORGE'S COUNTY CODE, SUBTITLE 27 ZONING ORDINANCE, PART 27-4 ZONES AND ZONE REGULATIONS, SECTION 27-4202 RESIDENTIAL BASE ZONES AS RESIDENTIAL BASE ZONES.

25. "RURAL AND AGRICULTURAL BASE ZONES." RURAL AND AGRICULTURAL BASE ZONES SHALL BE THOSE ZONES IDENTIFIED IN PRINCE GEORGE'S COUNTY CODE, SUBTITLE 27 ZONING ORDINANCE, PART 27-4 ZONES AND ZONE REGULATIONS, SECTION 27-4201 RURAL AND AGRICULTURAL BASE ZONES AS RURAL AND AGRICULTURAL BASE ZONES.

Sec. 26-2. Fences.

* * *

b) Rule of construction. In applying the fence restrictions contained in this Section 26-2, the term "Front Yard" shall mean the "Apparent Front Yard" and the side, side street and rear yards of any lot shall be determined by their relationship to the apparent front yard of the lot. For through corner lots, one yard abutting a publicly dedicated right-of-way, private right-of-way or parking area shall be determined to be the apparent front yard as defined herein, and the other two yards abutting publicly dedicated rights-of-way or parking areas shall be side street yards.

C) GENERAL STANDARDS.

1) FENCES AND WALLS SHALL BE LOCATED OUTSIDE OF THE PUBLIC RIGHT-OF-WAY.

2) UNLESS OTHERWISE PROHIBITED, FENCES ARE ALLOWED ON THE PROPERTY LINE BETWEEN TWO OR MORE PARCELS OF LAND HELD IN PRIVATE OWNERSHIP.

3) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PREVENT THE INSTALLATION OF A REQUIRED GUARD OR FENCE ON A RETAINING WALL OR OTHER STRUCTURE.

4) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PREVENT THE INSTALLATION OF TEMPORARY FENCING TO PROTECT EXISTING TREES, LIMIT SEDIMENTATION OR CONTROL EROSION.

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5) FENCES LOCATED WITHIN UTILITY EASEMENTS OR SURFACE DRAINAGE EASEMENTS SHALL RECEIVE WRITTEN AUTHORIZATION FROM THE EASEMENT HOLDER, THE CITY OR THE COUNTY, AS APPROPRIATE. THE CITY SHALL NOT BE RESPONSIBLE FOR DAMAGE TO, OR THE REPAIR OR REPLACEMENT OF, FENCES THAT MUST BE REMOVED TO ACCESS UTILITY EASEMENTS OR FACILITIES.

e-D) Front Yard Fences.

1) Except as hereinafter provided, fences are prohibited between the front building line of any residential dwelling and any publicly dedicated street, private street or parking area.

2) Notwithstanding the provisions of Subsection e-D)1) of this Section, front yard fences may be constructed beyond the front building line of those dwellings located in the Huntington Section of the City which were constructed prior to January 1, 1960, provided however, that said fences:

A. Shall not exceed four (4) feet in height;

B. Must be constructed of wood, cast iron or wire fencing materials, or other materials that are consistent with historic guidelines as established by the City and, to the ~~extend~~ EXTENT permitted by those guidelines, may incorporate stone and brick features; and

C. Are subject to a City building permit.

dE) Side Street Yard INCLUDING CORNER LOT Fences

1) Except as hereinafter provided, ON CORNER LOTS WHERE THE BUILDING RESTRICTION LINE OF THE SIDE STREET YARD IS LOCATED TWENTY-FIVE (25) FEET FROM THE PROPERTY LINE, fences are prohibited IN THE SIDE YARD. ~~between the side street yard building restriction line of any residential dwelling and any publicly dedicated street, private street or private parking area~~ FENCES IN THE REAR YARD ON THESE CORNER LOTS SHALL BE AT LEAST FIFTEEN (15) FEET FROM THE PROPERTY LINE AT ANY GIVEN POINT ALONG OR ABUTTING THE SIDE STREET; however, a fence may be located in any part of the side street yard of a lot where the side street yard lot line is a continuation of the rear yard lot line of the adjoining lot.

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2) EXCEPT AS HEREINAFTER PROVIDED, ON CORNER LOTS WHERE THE BUILDING RESTRICTION LINE OF THE SIDE STREET YARD IS LOCATED FIFTEEN (15) FEET FROM THE PROPERTY LINE OR THE ABUTTING PROPERTY IS A DEDICATED OPEN SPACE OR IS SUBJECT TO A CONSERVATION EASEMENT, IS UNDEVELOPED AND IS OWNED BY THE FEDERAL, STATE, COUNTY OR CITY GOVERNMENT OR A HOMEOWNER'S ASSOCIATION, FENCES ARE PROHIBITED BETWEEN THE BUILDING RESTRICTION LINE AND THE SIDE STREET; HOWEVER, A FENCE MAY BE LOCATED IN ANY PART OF THE SIDE STREET YARD OF A LOT WHERE THE SIDE STREET YARD LOT LINE IS A CONTINUATION OF THE REAR YARD LOT LINE OF THE ADJOINING LOT AND A FENCE MAY BE LOCATED IN ANY PART OF THE REAR YARD.

3) Notwithstanding the provisions of subsection ~~(d)~~(1) (E)(1) of this section, side yard fences may be constructed between the side street yard building restriction line of any residential dwelling and any publicly dedicated street, private street or private parking area of those dwellings located in the Huntington section of the City which were constructed prior to January 1, 1960, provided however, that said fences:

A. Shall not exceed four (4) feet in height;

B. Must be constructed of wood, cast iron or wire fencing materials, or other materials which replicate fence types which were consistent with historic guidelines as established by the City and, to the extent permitted by those guidelines, may incorporate stone and brick features; and

C. Are subject to a City building permit.

e F) Rear Yard Fences. Fences in rear yards where the rear lot line is a continuation of the front yard line of the adjacent lot shall be set back 25 feet from the property line.

f G) All fences legally existing on NOVEMBER 24, 1992, the effective date of O-19-92, which do not comply with this Section shall be deemed non-conforming uses. All fences ~~which~~ THAT are erected subsequent to the effective date of O-19-92 that are intended to replace those fences deemed to be non-conforming uses shall conform to the requirements of this Section.

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A fence deemed to be a non-conforming use under this subsection that has been removed or destroyed through no fault of the owner and due to circumstances beyond the owner's control may be replaced or repaired in a manner substantially identical in all material respects to the fence so removed or destroyed. Consideration shall be given to the similarity of such factors as materials, height, length and fence location between the original fence and the replacement fence. Nothing contained in this subsection ~~hall~~SHALL be construed to prohibit the maintenance and repair of a non-conforming fence ~~as long as~~ PROVIDED THAT NEITHER THE FENCE POSTS NOR THE HORIZONTAL STRUCTURAL MEMBERS OF the fence RUNNING PARALLEL TO THE GROUND ARE REPLACED, THE FENCE is not changed in character, and THE repairs are made with materials substantially the same as the materials requiring maintenance or repair. REPAIR SHALL MEAN ORDINARY REPAIRS, TO INCLUDE THE REPLACEMENT IN KIND OF POST CAPS, GATES, GATE HARDWARE, AND VERTICAL PICKETS. NEITHER MAINTENANCE OR REPAIR SHALL INCLUDE THE RELOCATION OF ANY PORTION OF A FENCE, A CHANGE IN DIMENSIONS, DESIGN OR MATERIALS.

~~g~~H) Variance. The Board of Appeals may allow a variance from the strict application of this Section according to the procedures and standards set forth in Section 26-15. VARIANCES GRANTED PRIOR TO THE EFFECTIVE DATE OF ORDINANCE O-3-23, SHALL REMAIN IN FULL FORCE AND EFFECT.

~~h~~I) Temporary Fences; Model Homes. The provisions of this section do not prohibit the temporary placement of fences between the building restriction line of a model home and a dedicated street during the period of initial sales for a new residential development provided the following conditions are met:

* * *

J) Fences and walls (including retaining walls) more than six (6) feet high may not be located in any required yard and shall meet the setback requirements for main buildings.

* * *

Sec. 26-3A. Commercial Vehicles.

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Except as may otherwise be permitted in this chapter, no owner, occupant, or lessee of property within the city that is residentially zoned or improved with a residential structure, including but not limited to single-family dwellings, townhouses condominiums, and apartments may permit the storage, parking, or repair of a commercial vehicle exceeding the manufacturer's gross vehicle weight specifications of seventy-five hundred (7,500) pounds, or containing advertising or lettering that exceeds four (4) inches in height, or with over three-hundred (300) cubic feet of load space, or with dual rear wheels AXLES, or stake platform trucks, or crane or tow trucks, on said property, at any time except within a private parking garage.

Sec. 26-4. Permitted Vehicle Parking in the ~~R-R and R-E~~ RESIDENTIAL BASE ZONES AND THE RURAL AND AGRICULTURAL BASE Zones.

The parking or storing of vehicles in the ~~R-R (Rural Residential) and R-E (Residential Estate)~~ RESIDENTIAL BASE AND THE RURAL AND AGRICULTURAL BASE zones shall be limited to the following vehicles owned or used by the occupants of the premises and their bona fide guests:

- (a) Private passenger motor vehicles;
- (b) One (1) unoccupied camping vehicle;
- (c) One (1) watercraft and trailer designed to carry watercraft;
- (d) One (1) commercial vehicle, provided that such vehicle;
 1. Does not exceed the manufacturer's gross vehicle weight specifications of seventy-five hundred (7500) pounds,
 2. Contains no advertising ~~other than a firm name or similar designation in lettering~~ OR BUSINESS LOGO not exceeding four (4) inches in height,
 3. ~~but excluding vehicles exceeding~~ DOES NOT EXCEED three-hundred (300) cubic feet of load space, AND
 4. IS NOT A stake platform ~~trucks~~TRUCK, crane or tow ~~trucks~~TRUCK, and OR A ~~vehicles~~VEHICLE with dual rear wheels AXLES.

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(e) Farm vehicles and farm machinery used on the premises, in conjunction with a permitted agricultural use;

(f) Buses, on the same lot with, and as an accessory use to, principal uses as private schools or churches, or other places of worship, provided that:

1. Such parking or storage area shall be in addition to any automobile parking compound on the premises, and shall be connected to a public street by means of a driveway, constructed in compliance with the CITY'S minimum standards AS SET FORTH IN THE GENERAL SPECIFICATIONS AND STANDARDS FOR STORM DRAIN AND STREET DESIGN AND CONSTRUCTION of the Prince George's County Department of Public Works and Transportation, having a minimum width of eleven (11) feet for each lane.

2. Such parking or storage area shall be screened from any adjoining land in any residential zone by a slightly, opaque wall, fence, or planting strip, or combination thereof; and

3. No repairs, service, maintenance, or gasoline dispensing or storage facility shall be permitted on the premises.

~~Sec. 26-5. Vehicle Parking in the R-55, R-80, and R-T Zones.~~

~~— The parking or storing of vehicles in the R-55/R-80 (one-Family, Detached Residential) and R-T (Residential Townhouse) zones shall be limited to the following vehicles owned or used by the occupants of the premises and their bona fide guests:~~

~~— (a) Private Passenger motor vehicles;~~

~~— (b) One (1) unoccupied camping vehicle;~~

~~— (c) One (1) watercraft and trailer designed to carry watercraft;~~

~~— (d) One (1) commercial vehicle subject to the restrictions and conditions described in the parking and storage of commercial vehicles in the R-R/R-E zones.~~

~~— (e) Buses subject to the restriction and conditions described under the parking and storage of buses in the R-R/R-E zones.~~

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~~Sec. 26-6. Vehicle Parking in the R-30-C Zone.~~

~~—The parking or storing of vehicles in the R-30-C zone (Multifamily, Low Density Residential Condominium) shall be limited to the following vehicles owned by the occupants of the premises and their bona fide guests.~~

- ~~—(a) Private passenger motor vehicles;~~
- ~~—(b) Unoccupied camping vehicles;~~
- ~~—(c) Watercraft and trailers designed to carry watercraft; and~~
- ~~(d) Commercial vehicles subject to the restrictions and conditions described under the parking and storage of commercial vehicles in the R-R/R-E zones.~~

~~Sec. 26-7. Vehicle Parking in the O-S Zone.~~

~~—The parking or storing of vehicles in the O-S zone (Open Space) shall be limited to the following vehicles owned or used by the occupants of the premises and their bona fide guests:~~

- ~~—(a) Private passenger motor vehicle;~~
- ~~—(b) Unoccupied camping vehicles;~~
- ~~—(c) Watercraft and trailers designed to carry watercraft;~~
- ~~—(d) Commercial vehicles subject to the restrictions and conditions described under the parking and storage of commercial vehicles in the R-R/R-E zones;~~
- ~~—(e) Buses subject to the restrictions and conditions described under parking and storage of buses in the R-R/R-E zones.~~

SEC. 26-5. RESERVED.

SEC. 26-6. RESERVED.

SEC. 26-7. RESERVED.

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Sec. 26-11. Residential Storage.

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(h) The limitations on accessory buildings contained in ~~Section 27-442~~ of the Prince George's County Zoning Ordinance, PART 27-4 ZONES AND ZONE REGULATIONS AND PART 27-5 USE REGULATIONS, SECTION 27-5200 ACCESSORY USES AND STRUCTURES (i.e. setbacks, and total lot coverage) apply to accessory buildings within the City of Bowie, except as otherwise provided in this Chapter.

Section 26-12. Residential Parking.

* * *

(e) The limitations on private parking garages contained in ~~Section 27-442~~ PART 27-4 ZONES AND ZONE REGULATIONS of the Prince George's County Zoning Ordinance (i.e. setbacks and total lot coverage) apply to private parking garages within the City of Bowie, except as otherwise provided in this Chapter.

* * *

Sec. 26-12A. Signs.

(a) The provisions of Subtitle 27, "Zoning ORDINANCE", Part 12, "Signs", ~~Division 1, "General;" Division 2, "Administration", Subdivision 1, "Permits", and Subdivision 2, "Nonconforming use signs and nonconforming signs;" and Division 3 "Design standards"~~ 27-6 DEVELOPMENT STANDARDS, SECTION 27-61500 of the Code of Prince George's County, Maryland as amended from time to time, are hereby adopted and incorporated herein by reference.

* * *

Sec. 26-14. Board of Appeals.

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* * *

(c) Powers.

1. The Board of Appeals may grant a variance from the strict application of a section within **ARTICLE I OF** this Chapter only where specifically so provided in that section and only pursuant to the standards and procedures set forth in Section 26-15 of this Chapter.

* * *

BE IT FURTHER ORDAINED that after the enactment of this Ordinance it shall be forwarded to the Prince George’s County Council Sitting as the District Council (“District Council”) for approval in accordance with Prince George’s County Code, Subtitle 27 Zoning Ordinance, Part 27-3 Administration, Sec. 27-3300 Advisory and Decision Making Bodies, 27-3308 Municipalities.

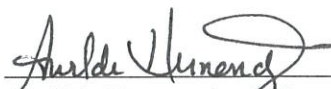
BE IT FURTHER ORDAINED that, this Ordinance shall become effective upon its approval by the District Council, which shall be at least thirty (30) days after its enactment by the Council of the City of Bowie, Maryland, provided that a fair summary of this Ordinance is published at least once prior to the date of passage and at least once within ten (10) days after the date of passage in the newspaper having general circulation in the City.


INTRODUCED by the Council of the City of Bowie, Maryland at a regular meeting on the 20 day of March, 2023.

PASSED by the Council of the City of Bowie, Maryland at a regular meeting on the 17 day of April, 2023.

ATTEST:

THE CITY OF BOWIE, MARYLAND


Awilda Hernandez, City Clerk

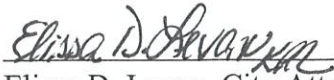
By: 
Timothy Adams, Mayor

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APPROVED AS TO FORM AND SUFFICIENCY:



Elissa D. Levan, City Attorney

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