

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**  
**SITTING AS THE DISTRICT COUNCIL**  
**2023 Legislative Session**

Resolution No. CR-054-2023  
Proposed by Council Members Dernoga and Watson  
Introduced by Council Members Dernoga, Watson, Fisher, Hawkins, Ivey, and Franklin  
Co-Sponsors \_\_\_\_\_  
Date of Introduction May 16, 2023

**RESOLUTION**

1 A RESOLUTION concerning  
2 The Enactment of Certain Ordinance of the City of Bowie  
3 For the purpose of approving the enactment of City Ordinance O-3-23, amending Chapter 26,  
4 Article I, Section 26-2 "Fences," in order to amend certain definitions and regulations  
5 concerning fences in the City Code; and to implement, incorporate, and reference the Prince  
6 George's County Zoning Ordinance and County Subdivision Regulations in effect as of April 1,  
7 2022.

8 WHEREAS, Section 25-301, Land Use Article, Maryland Annotated Code, authorizes the  
9 District Council to confer the exercise of certain powers of the District Council upon the  
10 governing body of a municipal corporation within the Maryland-Washington Metropolitan  
11 District; and

12 WHEREAS, Section 27-3308 of the Prince George's County Code provides that an  
13 incorporated municipality may enact an ordinance which sets forth procedural regulations  
14 governing local parking and loading, landscaping requirements, sign design standards, variances  
15 for setbacks and lot area regulations, as well as nonconforming use regulations and fence  
16 regulations for the area within its municipal boundaries; and

17 WHEREAS, Section 27-3308 also provides that a municipal corporation within the County  
18 may reference applicable County zoning laws that are applicable within the corporate boundaries  
19 of the municipal corporation; and

20 WHEREAS, in particular, Section 27-3308(b)(2)(C) permits the legislative body of a  
21 municipal corporation, by local law, to authorize the erection of a fence that exceeds the height

1 restrictions or limitations otherwise required by State, Regional, or County zoning laws or  
2 agencies exercising zoning and planning jurisdiction over the municipal corporation; and

3 WHEREAS, the City of Bowie desires to amend various definitions set forth in Chapter 26  
4 City of Bowie municipal code to update references in the City Code to reflect those provisions in  
5 effect pursuant to the new Prince George’s County Zoning Ordinance and County Subdivision  
6 Regulations which became effective on April 1, 2022; and

7 WHEREAS, the City further desires to expand permission for erection of fences on corner  
8 lots by amending the required setbacks corner lot fences by updating certain definitions and  
9 setback prescriptions set forth in Chapter 26 of the City Code; and

10 WHEREAS, by way of its enactment of Ordinance O–3–23, the City amends the respective  
11 definitions and setback requirements to update the references to the applicable provisions of  
12 County law, as well as to clarify the permissible location of fences in all yards of a residential  
13 lot; and

14 WHEREAS, in accordance with the procedures set forth in applicable state and local zoning  
15 laws, the City Council passed Ordinance O-3-23 on April 17, 2023; and

16 WHEREAS, as duly enacted by the City of Bowie, Ordinance O–3–23 (attached hereto and  
17 incorporated herein as “Attachment A”) amends Chapter 26 of the Bowie City Code; and

18 WHEREAS, the City of Bowie, pursuant to Section 25-303(e) of the Land Use Article,  
19 Annotated Code of Maryland, has delivered certified copies of Ordinance O–3–23 to the District  
20 Council; and

21 WHEREAS, the adoption of a Resolution by the District Council to approve the City of  
22 Bowie Ordinance O–3–23 will allow said municipal law to become effective in accordance with  
23 law; and

24 WHEREAS, the District Council has reviewed Ordinance O–3–23 and determined that the  
25 municipal law conforms with the prescriptions of local and state zoning laws.

1 NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George’s  
2 County, Maryland, sitting as the District Council for that part of the Maryland-Washington  
3 Regional District in Prince George’s County, Maryland, that City of Bowie Ordinance O-3-23,  
4 as set forth in Attachment A to this Resolution, be and the same is hereby APPROVED.  
5

Adopted this 16<sup>th</sup> day of May, 2023.

COUNTY COUNCIL OF PRINCE GEORGE'S  
COUNTY, MARYLAND, SITTING AS THE  
DISTRICT COUNCIL FOR THAT PART OF THE  
MARYLAND-WASHINGTON REGIONAL  
DISTRICT IN PRINCE GEORGE’S COUNTY,  
MARYLAND

BY: \_\_\_\_\_  
Thomas E. Dernoga  
Chair

ATTEST:

\_\_\_\_\_  
Donna J. Brown  
Clerk of the Council