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**Article I. In General.**

**Sec. 26-1. Definitions.**

1. "Fence." Any structure, barrier or partition having the effect of or erected for the purpose of enclosing a piece of land, dividing a piece of land into distinct portions, separating two contiguous estates, or stopping and/or creating an obstacle to pedestrian crossings; and consisting of a section or sections of any type of fencing material, chain, railing, arbor, trellis, blocks, bricks, stones, wood, iron wire, plastics, concrete or any other building or construction material; provided, however, that a

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structure which is solely for decorative purposes shall not constitute a fence, as long as such structure does not exceed four (4) feet in height, and provided that such structures on any residential lot do not, in total, consist of more than four (4) eight (8) foot sections, with no more than two (2) such sections being connected or located within twelve (12) feet of each other. The length of the materials shall be measured at their longest point. Such decorative structures shall be landscaped along their total length with bushes, shrubs, plants or flowers.

2. "Inoperative Vehicle." A motor vehicle that is missing any of the following: its engine, tires, steering wheel, transmission, windows, fender, bumper, hood, or not displaying valid license plates for that vehicle or is partially dismantled or wrecked or having 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 designed or used for carrying freight, merchandise, passengers or tools of a trade for compensation or in furtherance of any commercial enterprise.

4. "Vehicle, passenger." Any motor vehicle licensed by the State of Maryland as a Class A or Class D motor vehicle, or an panel van under three hundred (300) cubic foot load space capacity, and any pick up 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 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 pick up truck. The term camping vehicle includes "travel trailer," "camper," "recreational vehicle," "motor home," and "truck camper."

6. "Cargo Trailer." Any vehicle which is capable of being towed by a passenger or commercial motor vehicle and designed or used to store, haul, or transport merchandise, freight, refuse, or other materials whether used for private or commercial purposes and all those vehicles which were converted from other uses for such purposes.

7. "Commercial/Industrial Building Products and Machinery." Welders, air compressors, steel building components, oil drums, blocks, lumber, bricks, stones, wire, plastics or any other building or construction material.

8. "Unpaved Area." Any parking surface not completely covered by asphalt, brick, block, or concrete.

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 nuclear waste.

10. "Storage Shed or Shed." Any small structure, either free-standing or attached to a larger structure, serving as storage for residential uses.

11. "Watercraft." Jet skis, personal watercraft, powerboats, inflatable boats, catamarans, sailboats, and pontoon boats. Watercraft does not include canoes and kayaks, which are propelled by paddle or oar. (Sec. 26-1, 10 & 11 added by O-02-90).

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.

13. "Accessory Building." A building subordinate to, and located on the same lot with a main building and used for an accessory use; structures used for the benefit of a main building.

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14. "Carport." A roof projecting from the main building, capable of being used as a shelter for an operable vehicle, whether screened and/or partially enclosed or not.

15. "Private Parking Garage." A building used for housing private motor vehicles only one of which may be a commercial vehicle.

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.

(Sec. 26-1 amended by O-30-90 by adding 12, 12, 14, 15, 16, adopted 12/17/90); (Sec. 26-1, Subsec. 3, 5 and 8 amended by O-12-92, adopted 10/19/92).

17. "Apparent Front Yard." The area of a residential lot between that part or parts of the building which 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. "Front Yard." Front yard area shall be that area between the front of a structure and the publicly dedicated right-of-way, private right-of-way or parking area, extending the full width of the lot.

19. "Rear Yard." Rear yard area shall be that area between the rear of a structure and the rear lot line, extending between the side yards. 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. "Side Street Yard." Side street yard shall be that area of a lot on a corner or through corner lot which is not the apparent front yard, but which abuts a publicly dedicated right-of-way, private right-of-way or parking area.

21. "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.

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

(Sec. 26-1 amended by O-19-92; and O-7-98, approved by the District Council 7/28/98).

(Sec. 26-1 Subsec. 2, 7, and 11 amended by O-9-12, adopted 12/3/12, approved by District Council 2/5/13).

### **Sec. 26-2. Fences.**

a) Purpose. It is the intent and purpose of this Section 26-2 to protect the public health, safety, morals and general welfare of the City and its residents by generally restricting the placement of fences on residential lots. Such restriction shall, among other things: Permit the rapid, free and unobstructed access to residences by emergency vehicles, personnel and equipment; allow for the unobstructed establishment, maintenance and creation of public rights-of-way along the streets and sidewalks in the City; prevent the obstruction or reduction, by man-made structures, of visibility at corners and intersections for drivers and pedestrians; add to the attractiveness and comfort of the residential district; create a better home environment in the City; preserve an area which is generally regarded by the public as pleasing to the eye; and preserve, improve and protect the general character of lands within the City and the improvements thereon.

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

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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) 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 c)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 extent permitted by those guidelines, may incorporate stone and brick features; and

C. Are subject to a City building permit.

d) Side Street Yard Fences.

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

2) Notwithstanding the provisions of subsection (d)(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) 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) All fences legally existing on the effective date of O-19-92 which do not comply with this Section shall be deemed non-conforming uses. All fences which 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. 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 shall be construed to prohibit the maintenance and repair of a non-conforming fence as long as the fence is not changed in character and repairs are made with materials substantially the same as the materials requiring maintenance or repair.