

MEMORANDUM

November 1, 2012

TO: Planning, Housing, and Economic Development Committee
FROM: Jeff Zyontz,  Legislative Attorney
SUBJECT: Zoning Text Amendment 12-14, Bikeshare Facility - Incentive

Zoning Text Amendment (ZTA) 12-14, sponsored by Council President Berliner and Councilmembers Ervin, Riemer, and Navarro, was introduced on September 11, 2012.

ZTA 12-14 would define a bikeshare facility and allow a building permit for a bikeshare facility without a requirement for conformance to an approved site plan. Under ZTA 12-14, the exemptions to conformance to an approved site plan would be applicable once a site plan finished construction.

The Planning Board and Planning staff recommended approval of ZTA 12-14 as introduced. They said that ZTA 12-14 would make it easier for a developer to provide a bikeshare facility. The ZTA would facilitate the establishment of a bikeshare network in a timely manner. In the Planning Board's opinion, eliminating the requirement that a site plan must be completed at least 5 years before a building permit application removes an unnecessary requirement, given the types of permits that could take advantage of the provision.

The Council held a public hearing on October 22, 2012. In addition to Planning Staff, one speaker testified in favor of approving the ZTA.

Issues

No one believes there is a problem with the ZTA as introduced. It covers site plan approvals. The scope of the ZTA does not cover special exception approvals, which may be a future consideration of the Council.

This Packet Contains

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Zoning Text Amendment No.: 12-14
Concerning: Bikeshare Facility -
Incentive
Draft No. & Date: 1 – 7/23/12
Introduced: September 11, 2012
Public Hearing:
Adopted:
Effective:
Ordinance No.:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: Council President Berliner and Councilmembers Ervin, Riemer, and Navarro

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- define bikeshare facility;
- allow a building permit for a bikeshare facility under certain circumstances without a requirement for conformance to an approved site plan; and
- generally amend the provision concerning permits exempt from conforming to an approved site plan

By amending the following sections of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

Division 59-A-2.	“Definitions and Interpretation.”
Section 59-A-2.1.	“Definitions.”
Division 59-D-3.	“Site Plan.”
Section 59-D-3.0.1.1.	“Permits exempt from conforming to an approved site plan.”

EXPLANATION: **Boldface** indicates a Heading or a defined term.

Underlining indicates text that is added to existing law by the original text amendment.

[Single boldface brackets] indicate text that is deleted from existing law by the original text amendment.

Double underlining indicates text that is added to the text amendment by amendment.

[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.

* * * indicates existing law unaffected by the text amendment.

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

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Sec. 1. Division 59-A-2 is amended as follows:

DIVISION 59-A-2. DEFINITIONS AND INTERPRETATION.

Sec. 59-A-2.1. Definitions.

* * *

Bikeshare facility. A facility that includes a bikeshare dock and bicycles and is part of a network of bikeshare facilities that is available for shared use by the public and approved by the Director of the Department of Transportation or the Director's designee.

* * *

Sec. 2. Division 59-D-3 is amended as follows:

DIVISION 59-D-3. SITE PLAN.

* * *

59-D-3.0.1.1. Permits exempt from conforming to an approved site plan.

In any zone identified in Article 59-C as requiring site plan approval, the Department may, without a finding of conformance to an approved site plan, issue a building permit for any building or structure on property subject to a site plan that was completed [at least 5 years] before the permit application, if the permit is for:

- (a) constructing an accessibility improvement;
- (b) repairing an existing structure;
- (c) replacing an existing structure other than a building with a structure other than a building that has the same use and is similar in size; [or]
- (d) outdoor lighting with full cut-off fixtures; or
- (e) constructing a bikeshare facility.

The Department must submit a copy of any permit issued under this [section] Section to the Planning Director for inclusion in the record of the site plan. Any

28 modification to an improvement shown on an approved site plan that is identified
29 in this [section] Section does not require an amendment to the site plan.

30 * * *

31 **Sec. 3. Effective date.** This ordinance becomes effective 20 days after the
32 date of Council adoption.

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34 This is a correct copy of Council action.

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Linda M. Lauer, Clerk of the Council



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

OFFICE OF THE CHAIR

MONTGOMERY COUNTY PLANNING BOARD

The Maryland-National Capital Park and Planning Commission

October 23, 2012

TO: The County Council for Montgomery County, Maryland, sitting as the District Council for the Maryland-Washington Regional District in Montgomery County, Maryland

FROM: Montgomery County Planning Board

SUBJECT: Zoning Text Amendment No. 12-14

BOARD RECOMMENDATION

The Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed Zoning Text Amendment No. 12-14 at our regular meeting on October 11, 2012. By a vote of 4:0, the Board recommends approval of the text amendment, as introduced, to define a bikeshare facility and to allow a building permit for a bikeshare facility under certain circumstances without a requirement for conformance to an approved site plan.

Bikeshare systems are programs in which bicycles are made available for shared use by people who do not own them. They are comprised of bicycles and the stations where they are stored when not in use. Members can borrow a bicycle from one station and return it to another. Membership is available on an annual, monthly, 24-hour, or three day period. As currently structured, trips under 30 minutes are free, but after 30 minutes a fee is charged. This pricing structure is intended to encourage short trips instead of longer rides. The central concept of these systems is to provide free or affordable access to bicycles for short-distance trips in an urban area as an alternative to motorized public transportation or private vehicles, thereby reducing traffic congestion, noise, and air pollution. Bicycle sharing systems have also been cited as a way to solve the "last mile" problem and connect users to public transit networks.

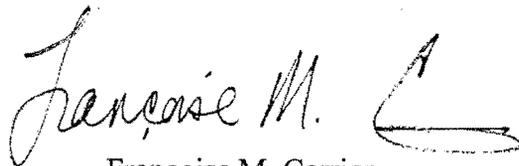
Under ZTA 12-14, Section 59-A-2 of the Zoning Ordinance is amended to define a bikeshare facility in a way that ensures that a bikeshare facility is part of a network of bikeshare stations and is defined as such only if approved by the Department of Transportation.

ZTA 12-14 adds the construction of a bikeshare facility to the list of structures that would be allowed to receive a building permit without the need for a finding of conformance to an already approved site plan for a property. The ZTA also eliminates the requirement that a site plan be completed at least five years before the building permit application; an existing requirement that could hinder the establishment of a bikeshare system and that the Board generally believes is not a necessary requirement for the types of permits that could take advantage of the exemption.

ZTA 12-14 reflects the changes to Section 59-D-3.0.1.1 necessary to make it easier for a developer to provide a bikeshare facility on a property with an approved site plan without an amendment to the site plan. This, in turn, will facilitate the establishment of a bikeshare network in a timely manner and with minimal impact on existing approved site plans.

CERTIFICATION

This is to certify that the attached report is a true and correct copy of the technical staff report and the foregoing is the recommendation adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, at its regular meeting held in Silver Spring, Maryland, on Thursday, October 11, 2012.



Françoise M. Carrier
Chair

FC:GR/am

Zoning Text Amendment (ZTA) No. 12-14, Bikeshare Facility - Incentive

 Gregory Russ, Planner Coordinator, gregory.russ@montgomeryplanning.org, 301-495-2174
 Mary Dolan, Acting Chief, FP&P, mary.dolan@montgomeryplanning.org, 301-495-4552

Completed 10/4/12

Description

ZTA No. 12-14 proposes to define a bikeshare facility, and to allow a building permit for a bikeshare facility under certain circumstances without a requirement for conformance to an approved site plan.

Summary

Staff recommends approval of ZTA 12-14, as introduced, to define a bikeshare facility, and allow a building permit for a bikeshare facility under certain circumstances without a requirement for conformance to an approved site plan.

Bikeshare systems are programs in which bicycles are made available for shared use by people who do not own them. They are comprised of bicycles and the stations where they are stored when not in use. Members can borrow a bicycle from one station and return it to another. Membership is available on an annual, monthly, 24-hour, or three day period. As currently structured, trips under 30 minutes are free, but after 30 minutes a fee is charged. This pricing structure is intended to encourage short trips instead of longer rides. The central concept of these systems is to provide free or affordable access to bicycles for short-distance trips in an urban area as an alternative to motorized public transportation or private vehicles, thereby reducing traffic congestion, noise, and air pollution. Bicycle sharing systems have also been cited as a way to solve the "last mile" problem and connect users to public transit networks.

In the Washington metro area, Capital Bikeshare is the bikeshare operator. Capital Bikeshare began operating in Washington DC and Arlington in September 2010 with 400 bicycles and 49 stations. It has since grown to about 1,670 bicycles operating from 175 stations, and expanded into Alexandria in 2012. Capital Bikeshare is expected to expand to Bethesda, Silver Spring, Takoma Park, Friendship Heights, Rockville and Shady Grove by Spring 2013, with an additional 50 stations and 400 bicycles.

It should be noted that the County Council introduced Bill 25-12 to complement ZTA 12-14. The bill modifies Chapter 52 (Taxation) of the Code to allow transportation impact tax funds to be used for certain bikeshare stations approved by the Department of Transportation. Section 52-58 of the Code currently allows the use of impact tax funds for a number of other transportation-related projects including but not limited: to road widening for bike lanes; hiker-biker trails primarily for transportation; and bicycle lockers. Staff believes that the addition of bikesharing stations to this list is consistent with the overall intent for this funding. Attachment 2 depicts the bill as introduced.

Analysis

Under ZTA 12-14, Section 59-A-2 of the Zoning Ordinance is amended to define a bikeshare facility as follows:

A facility that includes a bikeshare dock and bicycles and is part of a network of bikeshare facilities that is available for shared use by the public and approved by the Director of the Department of Transportation or the Director's designee.

The proposed definition ensures that a bikeshare facility is part of a network of bikeshare stations and is defined as such only if approved by the Department of Transportation. As defined these facilities are clearly differentiated from a traditional bike rental establishment.

Section 59-D-3.0.1.1 of the Montgomery County Zoning Code reads as follows:

59-D-3.0.1.1. Permits exempt from conforming to an approved site plan.

In any zone identified in Article 59-C as requiring site plan approval, the Department may, without a finding of conformance to an approved site plan, issue a building permit for any building or structure on property subject to a site plan that was completed at least 5 years before the permit application if the permit is for:

- (a) constructing an accessibility improvement;*
- (b) repairing an existing structure;*
- (c) replacing an existing structure other than a building with a structure other than a building that has the same use and is similar in size; or*
- (d) outdoor lighting with full cut-off fixtures.*

The Department must submit a copy of any permit issued under this section to the Planning Director for inclusion in the record of the site plan. Any modification to an improvement shown on an approved site plan that is identified in this section does not require an amendment to the site plan.

* * *

ZTA 12-14 adds the construction of a bikeshare facility to the list of structures that would be allowed to receive a building permit without the need for a finding of conformance to an already approved site plan for a property. The ZTA also eliminates the requirement that a site plan be completed at least five years before the building permit application; an existing requirement that could hinder the establishment of a bikeshare system and that staff generally believes is not a necessary requirement for the types of permits that could take advantage of the exemption.

ZTA 12-14 reflects the changes to Section 59-D-3.0.1.1 necessary to make it easier for a developer to provide a bikeshare facility on a property with an approved site plan without an amendment to the site plan. This, in turn, will facilitate the establishment of a bikeshare network in a timely manner and with minimal impact with existing approved site plans.

ATTACHMENTS

1. ZTA 12-14 as introduced
2. Bill 25-12, Impact Tax Funding for Bikesharing
3. Examples of Bikeshare facilities (Capital Bikeshare)

GR/MD/am