



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



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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)

ATTACHMENT 1

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 Councilmember Ervin

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

MEMORANDUM

TO: County Council

FROM: ^{MF} Michael Faden, Senior Legislative Attorney

SUBJECT: **Introduction:** Bill 25-12, Taxation – Impact Tax - Bikesharing

Bill 25-12, Taxation – Impact Tax - Bikesharing, sponsored by Council President Berliner and Councilmember Ervin, is scheduled to be introduced on September 11, 2012. A public hearing is tentatively scheduled for October 23 at 1:30 p.m.

Bill 25-12 would allow transportation impact tax funds to be used for certain bikesharing stations.

This packet contains:	<u>Circle #</u>
Bill 25-12	1
Legislative Request Report	3

Bill No. 25-12
Concerning: Taxation - Impact Tax -
Bikesharing
Revised: 7-19-12 Draft No. 1
Introduced: September 11, 2012
Expires: March 11, 2014
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President Berliner and Councilmember Ervin

AN ACT to:

- (1) allow transportation impact tax funds to be used for certain bikesharing stations; and
- (2) generally amend the law governing the transportation impact tax.

By amending

Montgomery County Code
Chapter 52, Taxation
Section 52-58

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

Sec. 1. Section 52-58 is amended as follows:

52-58. Use of impact tax funds.

Impact tax funds may be used for any:

- (a) new road or widening of an existing road that adds highway or intersection capacity or improves transit service or bicycle commuting, such as bus lanes or bike lanes;
- (b) new or expanded transit center or park-and-ride lot,
- (c) bus added to the Ride-On bus fleet, but not a replacement bus;
- (d) new bus shelter, but not a replacement bus shelter;
- (e) hiker-biker trail used primarily for transportation;
- (f) bicycle locker that holds at least 8 bicycles;
- (g) bikesharing station (including bicycles) approved by the Department of Transportation;
- [(g)] (h) sidewalk connector to a major activity center or along an arterial or major highway; or
- [(h)] (i) the operating expenses of any transit or trip reduction program.

Approved:

Roger Berliner, President, County Council

Date

Approved:

Isiah Leggett, County Executive

Date

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

Date

LEGISLATIVE REQUEST REPORT

Bill 25-12

Taxation - Impact Tax - Bikesharing

DESCRIPTION: Allows transportation impact tax funds to be used for bikesharing stations approved by the Department of Transportation.

PROBLEM: Need to encourage expansion of bikesharing.

GOALS AND OBJECTIVES: To allow transportation impact tax funds to be used for bikesharing.

COORDINATION: Department of Transportation, Planning Board

FISCAL IMPACT: To be requested.

ECONOMIC IMPACT: To be requested.

EVALUATION: To be requested.


EXPERIENCE ELSEWHERE: To be researched.

SOURCE OF INFORMATION: Michael Faden, Senior Legislative Attorney, 240-777-7905; Glenn Orlin, Deputy Council Staff Director, 240-777-7936.

APPLICATION WITHIN MUNICIPALITIES: Transportation impact tax applies County-wide.

PENALTIES: Not applicable.



Eastern Market Metro
8th St & Pennsylvania Ave SE 

capital bikeshare

Local Capital Bikeshare Stations



Legend

- Station
- Water
- Trail
- Highway
- Street

How to Use

- 1. Scan QR code
- 2. Select bike
- 3. Ride
- 4. Return

Rules & Regulations

- 1. No alcohol or drugs
- 2. No riding on sidewalks
- 3. No riding on streets with speed limits of 30 mph or less
- 4. No riding on residential streets
- 5. No riding on private property
- 6. No riding on bridges
- 7. No riding on ramps
- 8. No riding on stairs
- 9. No riding on escalators
- 10. No riding on public transit
- 11. No riding on construction sites
- 12. No riding on utility poles
- 13. No riding on power lines
- 14. No riding on traffic lights
- 15. No riding on streetlights
- 16. No riding on fire hydrants
- 17. No riding on manholes
- 18. No riding on utility boxes
- 19. No riding on street furniture
- 20. No riding on trees
- 21. No riding on signs
- 22. No riding on benches
- 23. No riding on playground equipment
- 24. No riding on sports fields
- 25. No riding on golf courses
- 26. No riding on tennis courts
- 27. No riding on swimming pools
- 28. No riding on beaches
- 29. No riding on parks
- 30. No riding on trails
- 31. No riding on roads
- 32. No riding on highways
- 33. No riding on interstates
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- 57. No riding on parks
- 58. No riding on trails
- 59. No riding on roads
- 60. No riding on highways
- 61. No riding on interstates

www.capitalbikeshare.com

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capital bikeshare



- ← Old Naval Hospital
- Barracks Row
- Marine Barracks
- Navy Yard
- ← Lincoln Park