

Ordinance No.: 17-24  
Zoning Text Amendment No.: 12-14  
Concerning: Bikeshare Facility -  
Incentive  
Draft No. & Date: 1 – 7/23/12  
Introduced: September 11, 2012  
Public Hearing: October 23, 2012  
Adopted: November 13, 2012  
Effective: December 3, 2012

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

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

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**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.*

## OPINION

Zoning Text Amendment No. 12-14, sponsored by Council President Berliner and Councilmembers Ervin, Riemer, and Navarro, was introduced on September 11, 2012.

The purpose of ZTA 12-14 is to 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 Montgomery County Planning Board, in its report to the Council, recommended that the text amendment be approved as introduced.

The County Council held a public hearing on October 22, 2012 to receive testimony concerning the proposed text amendment. In addition to Planning Staff, one speaker testified in favor of approving the ZTA. The text amendment was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.

The Planning, Housing, and Economic Development Committee held a worksession on November 5, 2012 to review the amendment; the Committee recommended approval of ZTA 12-14 as introduced. In the opinion of the Committee, the ZTA would facilitate the establishment of a bikeshare network in a timely manner. In addition, 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 District Council reviewed Zoning Text Amendment No. 12-14 at a worksession held on November 13, 2012 and agreed with the recommendations of the Planning, Housing, and Economic Development Committee.

For these reasons, and because to approve this amendment will assist in the coordinated, comprehensive, adjusted and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 12-14 will be approved as introduced.

## 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:*

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

2           DIVISION 59-A-2. DEFINITIONS AND INTERPRETATION.

3           **Sec. 59-A-2.1. Definitions.**

4           \* \* \*

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

9           \* \* \*

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

11          DIVISION 59-D-3. SITE PLAN.

12          \* \* \*

13          **59-D-3.0.1.1. Permits exempt from conforming to an approved site plan.**

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

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

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

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

29 \* \* \*

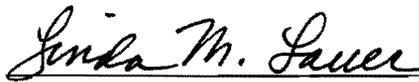
30 **Sec. 3. Effective date.** This ordinance becomes effective 20 days after the  
31 date of Council adoption.

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33 This is a correct copy of Council action.

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Linda M. Lauer, Clerk of the Council