



## MONTGOMERY COUNTY DEPARTMENT OF PARK &amp; PLANNING

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

MCPB  
Item #4  
7/17/03

**DATE:** July 11, 2003  
**TO:** Montgomery County Planning Board  
**VIA:** Joseph R. Davis, Chief, Development Review *JRD*  
**FROM:** Greg Russ, Zoning Coordinator *GR*  
**REVIEW TYPE:** Zoning Text Amendment  
**PURPOSE:** To amend the Zoning Ordinance to clarify requirements for bicycle parking spaces for which a fee is charged

**TEXT AMENDMENT:** No. 03-17  
**REVIEW BASIS:** Advisory to the County Council sitting as the District Council, Chapter 59 of the Zoning Ordinance  
**INTRODUCED BY:** Councilmember Leventhal  
**INTRODUCED DATE:** June 24, 2003

**PLANNING BOARD REVIEW:** July 17, 2003  
**PUBLIC HEARING:** July 29, 2003; 1:30pm

**STAFF RECOMMENDATION:** APPROVAL

#### PURPOSE OF THE TEXT AMENDMENT

To amend the Zoning Ordinance to clarify requirements for bicycle parking spaces for which a fee is charged.

#### BACKGROUND/ANALYSIS

The County Council introduced Bill 20-03, *Landlord-Tenant Relations- Fees for Bicycle Parking*, on June 24. The bill limits the amount that a landlord or common ownership community (such as a condominium or co-op) could charge a tenant or unit owner to rent a bicycle parking space. The rent or other fee could not exceed one-sixth of the rent for a motor vehicle parking space. Attachment 2 includes a copy of the proposed bill. The zoning text amendment would add to current zoning requirements for bicycle parking spaces a cross-reference to the limit imposed by the bill.

The proposed text amendment language is as follows:

**59-E-2.3. Standards for bicycle and motorcycle parking.**

- (a) *All parking facilities containing more than 50 parking spaces shall provide one bicycle parking space or locker for each 20 automobile parking spaces in the facility. Not more than 20 bicycle parking stalls or lockers shall be required in any one facility.*
- (b) *Bicycle parking facilities shall be so located as to be safe from motor vehicle traffic and secure from theft. Interior storage and lockers are encouraged. They shall be properly repaired and maintained.*
- (c) *Any owner or operator of a parking facility which charges a fee for the storage of motor vehicles may charge a reasonable fee for bicycle storage. A fee that that is subject to Section 29-35A must comply with that Section.*
- (d) *All parking facilities containing more than 50 parking spaces shall provide motorcycle stalls equal to at least 2 percent of the number of auto spaces. Not more than 10 motorcycle stalls shall be required on any one lot.*
- (e) *The provisions of subsections (a), (b), (c), and (d) pertaining to bicycle and motorcycle parking shall not be applicable for determining eligibility for parking lot district tax exemption.*

The proposed legislation is in response to complaints by residents that high fees are being charged for the rental of bicycle parking spaces. Staff believes that the proposed legislation helps to ensure that landlords who rent parking spaces for resident's bicycles charge reasonable fees, thereby encouraging the use of the bicycle as an environmentally sound mode of transportation.

**RECOMMENDATION**

The staff recommends approval of the proposed text amendment to amend the Zoning Ordinance to clarify requirements for bicycle parking spaces for which a fee is charged.

Attachment 1 depicts the proposed text amendment as submitted.

GR

**Attachments**

1. Proposed Text Amendment 03-17 as submitted.

Zoning Text Amend. No. 03-17  
Concerning: Offstreet Parking for  
Bicycles  
Revised: 6/19/03 Draft No. 1  
Introduced: June 24, 2003  
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: Councilmember Leventhal

**AN AMENDMENT** to the Montgomery County Zoning Ordinance to:

- (1) clarify requirements for bicycle parking spaces for which a fee is charged; and
- (2) generally amend the Zoning Ordinance regarding bicycle parking spaces.

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

Division 59-E-2  
Section 2.3

"Plans and Design Standards"  
"Standards for bicycle and motorcycle parking"

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

1           **Section 1. Section 59-E-2.3 is amended as follows:**

2   **59-E-2.3. Standards for bicycle and motorcycle parking.**

- 3           (a) All parking facilities containing more than 50 parking spaces shall  
4           provide one bicycle parking space or locker for each 20 automobile  
5           parking spaces in the facility. Not more than 20 bicycle parking stalls or  
6           lockers shall be required in any one facility.
- 7           (b) Bicycle parking facilities shall be so located as to be safe from motor  
8           vehicle traffic and secure from theft. Interior storage and lockers are  
9           encouraged. They shall be properly repaired and maintained.
- 10          (c) Any owner or operator of a parking facility which charges a fee for the  
11          storage of motor vehicles may charge a reasonable fee for bicycle  
12          storage. A fee that that is subject to Section 29-35A must comply with  
13          that Section.
- 14          (d) All parking facilities containing more than 50 parking spaces shall  
15          provide motorcycle stalls equal to at least 2 percent of the number of  
16          auto spaces. Not more than 10 motorcycle stalls shall be required on any  
17          one lot.
- 18          (e) The provisions of subsections (a), (b), (c), and (d) pertaining to bicycle  
19          and motorcycle parking shall not be applicable for determining  
20          eligibility for parking lot district tax exemption.

21           **Sec. 2. Effective date.** This ordinance takes effect 20 days after the Council  
22   adopts the ordinance. An existing parking facility must conform to Section 59-E-2.3  
23   of the County Code, as amended by this ordinance, when the ordinance takes effect.

24   *This is a correct copy of Council action.*

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Mary A. Edgar, CMC, Secretary of the Council

Date

Bill No. 20-03  
Concerning: Landlord-Tenant Relations - Fees for Bicycle Parking  
Revised: 6/20/03 Draft No. 2  
Introduced: June 24, 2003  
Expires: December 24, 2004  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

By: Councilmember Leventhal.

**AN ACT to:**

- (a) limit the amount a landlord or common ownership community may charge for certain bicycle parking spaces; and
- (b) generally amend County law regarding bicycle parking at rental housing or common ownership communities in the County.

By adding

Montgomery County Code  
Chapter 29, Landlord-Tenant Affairs  
Sections 29-35A

<b>Boldface</b>	<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:*

1 Section 1. Section 29-35A of the Code is added as follows:

2 29-35A. Bicycle parking fees.

3 A landlord or governing body of a common ownership community that  
4 rents parking spaces for motor vehicles and bicycles must not charge rent or any  
5 other fee for parking a bicycle that exceeds one-sixth of the rent or fee charged for  
6 parking a motor vehicle.

7 *Approved:*

8

Michael L. Subin, President, County Council

Date

9 *Approved:*

10

Douglas M. Duncan, County Executive

Date

11 *This is a correct copy of Council action.*

12

Mary A. Edgar, CMC, Clerk of the Council

Date