

Z-14-29 AN ORDINANCE BY ZONING COMMITTEE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF ATLANTA BY CREATING A NEW SECTION IN PART 16 ZONING OF CHAPTER 28 “GENERAL AND SUPPLEMENTAL REGULATIONS” WHICH IS TO BE CODIFIED AS SEC. 16-28.029 “SELF SERVICE BICYCLE RENTAL FACILITIES”; AND FOR OTHER PURPOSES.

Application File Date	6-6-14
Zoning Number	Z-14-29
NPU / CD	Citywide
Staff Recommendation	
NPU Recommendation	
ZRB Recommendation	

Workflow List:

Office of Research and Policy Analysis	Completed	06/13/2014 3:08 PM
Zoning Committee	Pending	
Atlanta City Council	Pending	
Zoning Review Board Staff	Pending	
Office of Research and Policy Analysis	Pending	
Mayor's Office	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY – BLUE BACK

Z-14-29 AN ORDINANCE BY ZONING COMMITTEE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF ATLANTA BY CREATING A NEW SECTION IN PART 16 ZONING OF CHAPTER 28 “GENERAL AND SUPPLEMENTAL REGULATIONS” WHICH IS TO BE CODIFIED AS SEC. 16-28.029 “SELF SERVICE BICYCLE RENTAL FACILITIES”; AND FOR OTHER PURPOSES.

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WHEREAS, the public health, safety and welfare will be enhanced by the implementation of a Citywide Bike Share System of the type generally set forth in *The Atlanta-Decatur Bike Share Feasibility Study* (the “*Study*”); and

WHEREAS, the Citywide Bike Share System provides a convenience for residents, workers and visitors because bicycles can be made available on an as-needed basis and would be available for one-way trips; and

WHEREAS, the City of Atlanta (“City”) solicited Requests for Proposals for qualified firms for FC-6605 Self Service Bicycle Rental Program in order to implement the Citywide Bike Share Program on public property; and

WHEREAS, The location of bike share infrastructure on public property is also intended to increase utilization of other transit modes by providing a first mile and last mile travelled alternative that will increase the range of destinations served; and

WHEREAS, upon the execution of a contract that will allow FC-6605 to proceed and the amendment of Chapter 138 of the City Code dealing with *Streets, Sidewalks and Other Public Places* it will be possible for the selected proponent to begin the installation of bike share infrastructure on public property; and

WHEREAS, if the Citywide Bike Share System allows both public and private self service bicycle rental programs to operate on a cooperative basis and link with other programs sponsored by other entities the System will grow more quickly in the City and may expand the reach of the program beyond the City; and

WHEREAS, allowing bike share infrastructure on private property as a permitted accessory use, the City’s substantial governmental interest in the expansion of this alternative transit mode is increased, the utilization of other transit modes may be increased by providing a first mile and last mile travelled alternative which increases the the range of destinations served; and

WHEREAS, if bike share infrastructure is allowed on private property as a permitted accessory use, the City’s substantial governmental interest in regulating the aesthetics of such sites with respect signage and traffic safety necessitates zoning regulations which specify how such bike share infrastructure is allowed to be constructed; and

WHEREAS, if bike share infrastructure is to be allowed on private property as a permitted accessory use, the City’s substantial governmental interest in regulating the appearance, signage and traffic safety of bike share infrastructure on public property should be harmonized with the way in which bike share infrastructure appears on private property through appropriate zoning regulations;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1: The Code of Ordinances of the City of Atlanta Georgia is hereby amended by adding a new section to Part 16 Zoning, Chapter 28, General and Supplemental Regulations which is to be numbered as “Sec. 16-28.029” and entitled “Self Service Bicycle Rental Facilities” and which shall read as follows:

Sec. 16-28.029 Self Service Bicycle Rental Facilities

(1) *Definitions* The words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning. The use of capitalized abbreviated reference terms for the definitions contained herein are intended to refer to the terms and phrases from which they were derived.

(a) *Public Self Service Bicycle Rental Service* means a system operated by the city, or operated by others under a contract with the city, which provides the public with opportunities to rent bicycles from Stations at locations on public property including areas of the right of way. A person or entity meeting the definition of a Public Self Service Bicycle Rental Service shall also be permitted to operate as a Private Self Service Bicycle Rental Service.

(b) *Private Self Service Bicycle Rental Service* means a system operated by private entities, not under contract with the city, for the purpose of providing the general public with opportunities to rent bicycles from Self Service Bicycle Rental Stations that are operated as an accessory to a primary use and that meet the Interconnectivity requirements necessary to support the Citywide Bike Share System.

(c) *Public Self Service Bicycle Rental Station* means a facility constructed as a part of a Public Self Service Bicycle Rental Service where bicycles are made available for rental without employees or attendants being required to take payments from customers, rent bicycles to customers or receive bicycles from customers when the bicycles are returned from rental.

(d) *Private Self Service Bicycle Rental Station* means a facility constructed as an accessory to the main use on private property by A Private Self Service Bicycle Rental Service and where bicycles are made available for rental without employees or attendants being required to take payments from customers, rent bicycles to customers or receive bicycles from customer when the bicycles are returned from rental.

(e) *Self Service Bicycle Rental Station* (“Station”) is a term that includes both Public Self Service Bicycle Rental Stations and Private Self Service Bicycle Rental Stations.

(f) *Self Service Bicycle Rental Station Kiosk* (“Kiosk”) means a structure containing the self service device by which Self Service Rental Bicycles are rented or other permission is given for their use at a Self Service Bicycle Rental Station. For the purpose of these regulations, the front of the Kiosk shall be considered the side or face of the Kiosk where an individual operates the mechanisms for making payments or obtaining permission for rentals.

(g) *Self Service Bicycle Rental Storage* (“Storage”) means that portion of a Station that is utilized for the storage of Rental Bicycles available for rental or being returned after rental; provided that no part of any Station may be used for the storage of Rental Bicycles that are inoperable or which cannot be rented within twenty-four hours after their return, for the servicing of Rental Bicycles, or for the storage of any other goods or materials

(h) *Bicycle Rental Service Provider* (“Provider”) is a term that includes those persons or entities

responsible for providing Public Self Service Bicycle Rental Services and/or those persons or entities providing Private Self Service Bicycle Rental Service.

- (i) Map and Instruction Board means a sign attached to or constructed as a part of a Station for the purpose of wayfinding and providing instructions on the use of the Station for the purpose of renting and operating of Self Service Rental Bicycles.
 - (j) Kiosk Information Sign means a sign or display posted on the on the front side of Kiosk for the purpose of providing 24 hour contact number and a street address in the city where customers may make inquiries and may otherwise obtain information about the operation of the Kiosk.
 - (k) Self Service Rental Bicycle (“Rental Bicycle”) means, for the purpose of this Section, a bicycle rented from Public Self Service Bicycle Rental Stations and Private Self Service Bicycle Rental Stations.
 - (l) Helmet Vending Machine means a structure for the self service sale and or rental of bicycle helmets. For the purpose of these regulations, the front of the Machine shall be considered the side or face of the Machine where an individual operates the mechanisms for making payments.
 - (m) Interconnectivity Agreement means a written agreement between Providers whereby the terms of interconnectivity between the Providers’ Stations are set forth.
 - (n) Interconnectivity means the ability for the customers of one Provider to rent or return the Rental Bicycles of another Provider at a Station which belongs to either Provider in a manner that supports the Citywide Bike Share System.
 - (o) Citywide Bike Share System is an initiative by the city to implement certain of the recommendations as generally set forth in The Atlanta-Decatur Bike Share Feasibility Study in order to provide a non-traditional transit option to cover the “first and last mile” of a transit trip by encouraging and installing infrastructure that will allow access to rental bicycles and for other purposes.
- (2) *Where Permitted.*
- (a) Public Self Service Bicycle Rental Stations may be located on any public right of way or City owned property including public parks and city-owned recreation facilities under a contract with the city; provided however that the approval of the city shall at all times be required for installation and continued operation.
 - (i) A person operating in the City as a Public Self Service Bicycle Rental Service shall be required to meet the requirements which apply to Private Self Service Bicycle Rental Stations
 - (ii) Where city right of way is located in the R-1, R-2, R-3, R-3A, R-4, R-4A, R-4B, R-5 or PD-H zoning district, the right of way shall not be used for Public Self Service Bicycle Rental Stations except where such right of way is on a street that is adjacent to a city park.
 - (b) Private Self Service Bicycle Rental Stations are permitted only as an accessory use to a primary use that is regularly open for business or occupancy and may be located in any zoning district except for R-1, R-2, R-3, R-3A, R-4, R-4A, R-4B R-5 or PD-H; provided however when any district, parcel or building is designated or is otherwise regulated by the Historic Preservation Ordinance, the Urban Design Commission’s approval for the construction of the Station as an accessory use to the designated property shall be required.
 - (c) Offices or repair facilities for Providers may be staffed by employees but such use shall be permitted only as a primary use which is subject to the zoning of the parcel on which such use is located. A Station may be located on the same parcel as an accessory to that permitted use.
- (3) *Minimum Size for Private Bicycle Rental Service Providers; Interconnectivity Agreements.*

Access to Stations and Rental Bicycles that allows the general public to have the ability to make one way trips or reasonable round trips is a vital part of the bicycle sharing experience and distinguishes the bicycle sharing experience from renting bicycles from fixed single rental locations and is necessary to support the Citywide Bike Share System. The public purpose of allowing the location of Private Self Service Bicycle Rental Stations as an accessory use on private property is not enhanced or served when only a limited number of Stations are available for the renting and return of a limited number of Rental Bicycles and does not support the implementation of the Citywide Bike Share System. The negative impact on the bicycle sharing experience enjoyed by the general public which is caused by having a limited number of Stations and a limited number of Rental Bicycles is best addressed by requiring that Private Self Service Bicycle Rental Providers offer a minimum number of Stations which are served by a sufficient number of Rental Bicycles. The public propose of the bicycle sharing experience is also met by allowing Interconnectivity Agreements among Providers.

(a) Private Self Service Bicycle Rental Providers shall be required to offer access to a minimum of three Stations and 100 Rental Bicycles before an application for a Special Administrative Permit may be issued by the office of planning.

(b) Private Self Service Bicycle Rental Providers may meet the requirements of this subsection through Interconnectivity with another Provider that already has Stations and Rental Bicycles permitted by the City, either as a Public Self Service Bicycle Rental Provider or as a Private Self Service Bicycle Rental Provider. Interconnectivity which brings the number of Stations and Rental Bicycles in the City above the minimum number required in this subsection may be shown for the purpose of an application for Special Use Permit by an Interconnectivity Agreement stating the terms under which each Provider may utilize the Stations or Rental Bicycles of the other. If the aggregate number of Stations and Rental Bicycles between the parties to an Interconnectivity Agreement brings the number of Stations and Rental Bicycles above that required by this subsection, the processing of the Special Administrative Permit may proceed subject to the requirements of this section.

(i) An Interconnectivity Agreement submitted to the office of planning shall be accompanied by an affidavit from the applicant and from the other party to the Interconnectivity Agreement attesting to the truth of the statements set forth therein. The affidavit shall include, without limitation, the number of Rental Bicycles made available and the location of the Stations which are necessary to meet the required minimum size for Private Bicycle Rental Service Providers.

(ii) The Interconnectivity provided in such agreements shall state, without limitation, that each Provider to the Agreement shall actually make its Stations and Rental Bicycles available to customers of the other.

(iii) No Interconnectivity Agreement shall be recognized by the City for the purpose of allowing a Provider to meet the minimum number of Stations and Rental Bicycles set forth in this section unless actual Interconnectivity exists and is proven to office of planning by a demonstration of Interconnectivity between Providers prior to the issuance of the Special Administrative Permit.

(iv) Beyond verifying that Interconnectivity for the required number of Stations and Rental Bicycles shall be provided and maintained between the Providers for the term of the Interconnectivity Agreement, neither the office of planning nor any other city office or department shall enforce the terms of Interconnectivity Agreement between the parties thereto.

(d) A failure of Interconnectivity which reduces the access of the public to Stations or Rental Bicycles below the minimum number of Stations or Rental Bicycles below that which this section requires a Provider to maintain shall not allow such Provider to maintain operations of the non-conforming Station or Stations or make Rental Bicycles below the required number available for rental. Notwithstanding any other sections of Part 16 to the contrary no Provider may maintain operations by

use of Stations of Rental Bicycles which are below the minimum number required by this subsection.

(e) The failure of a Private Self Service Bicycle Rental Provider to provide the minimum number of Stations or Rental Bicycles for more than thirty days shall cause the Special Administrative Permit to be subject to revocation. Where a Special Administrative Permit allowing a Private Self Service Bicycle Rental Provider to operate its Stations has been revoked, no operations shall be permitted at any Stations operated by that Provider and the Kiosk and Rental Bicycles shall be removed. The provisions of Chapter 24 of Part 16 shall not operate to prevent a Special Administrative Permit from being revoked or prevent a Station from being subject to removal.

(4) *Permit Procedures*

(a) All Stations shall obtain a Special Administrative Permit which shall evaluate its conformity to this Section and to the Zoning Code. This review shall also evaluate the relationship of the Kiosk, including the related signage, and the Storage portion of the Station to the site conditions as well as the adjacent sidewalks and streets and adjoining properties.

(i) No Building Permit shall be issued without an approved Special Administrative Permit.

(ii) A site plan shall be required with the Special Administrative Permit application. The site plan shall specify the height, footprint size and location of the Kiosk as well as the size and location of the Storage. All entrances and exits to the Station shall be on the site plan.

(b) All Stations shall obtain a Building Permit for construction in conformity with the City Code in the same manner as any other accessory structure as well as conformity to the criteria set forth in this Section.

(i) As a part of the Building Permit application for a Station, a Sign Permit application shall be submitted which details the size of each sign and all sign copy to be displayed as well as an exemplar of the size of the signs to be displayed on the Rental Bicycles to be stored at the Station. The permission to erect signs on a Station shall be permission to store Rental Bicycles at the Stations with signage which corresponds with the exemplar as to size. So long as the signs on the Rental Bicycles correspond to the size of the exemplar, the copy on the signs displayed on each of Rental Bicycles stored at the Station need not be identical.

(c) In reviewing the application for the Special Administrative Permit and/or the Building Permit, the reviewing agency shall be authorized to consider the City Code as well as all regulations set forth in this Section, including without limitation, the criteria for Self Service Bicycle Rental Station Design.

(d) The failure to meet the conditions of the Special Administrative Permit or the Code shall be grounds for its revocation. No Station may continue in operation and must be removed upon the exhaustion of any appeal permitted as a part of the process of revocation.

(4) *Criteria for Self Service Bicycle Rental Station Design.*

(a) The maximum height of any part of a Kiosk, including permitted signage, shall be seven feet as measured from the grade of nearest adjacent sidewalk.

(b) No Kiosk shall occupy a footprint of more than four square feet.

(c) No Kiosk or Storage shall be located on any part of a sidewalk which results in the sidewalk having less than a eight foot clear zone.

(d) Each Kiosk shall display a Kiosk Information Sign on its front side, at least than six inches by six inches but no greater than nine inches by twelve inches, and which shall be at least 48 inches above ground level that identifies the station by address. Each such sign shall include a 24 hour contact number and a street address in the city where customers may make inquiries and may otherwise include only the name

and logo of owner or manufacturer of the Station or of a sponsor and a Provider number or code. These signs or displays may not be illuminated, and shall not include any flashing, moving, digital or electronic changeable copy features.

- (e) Each Kiosk shall be oriented and placed on the site of the Station in a manner that directs its use toward users of the facility and not so as to cause the permitted signage to be seen by motor vehicle traffic.
- (f) When evaluating a site plan, the reviewing agency shall examine proximity to street intersections, pedestrian crosswalks driveways, and building entrances or exits in order to minimize conflicts with pedestrians and vehicular traffic.
- (g) Any power sources must be depicted on the site plan and must meet all applicable electrical code standards.
- (h) A Station may be, but is not required to be, lit by free standing lights and/or light fixtures attached to the Kiosk, provided however that such lighting shall be designed to reduce light spillage outside the Station by directing the lighting internally downward or using shielded light fixtures.
- (i) Storage for Self Service Rental Bicycles shall not be permitted on any required parking for the parcel and shall not be permitted to reduce the required open space.
- (j) A Station may provide for reserved vehicle parking on the same parcel as the primary use but the parking remaining available for the primary use shall meet the required parking for that use.
- (k) No Station may be designed or installed in a manner that requires employees to operate it for the purpose of taking payments from customers, renting bicycles to customers or receiving bicycles returned from rental.
- (l) A Station may include up to three Helmet Vending Machines.

(5) *Signage on Stations and Rental Bicycles*

(a) Purpose of the Signage Regulations

The findings, purposes and intent of Chapter 28A, as expressed in Sec. 16-28A.003, are included by reference as supporting the limitations on such advertising. With respect to Public Self Service Bicycle Rental Service, the city intends to defray or entirely avoiding the cost of implementing the Citywide Bike Share System and providing Public Self Service Bicycle Rental Stations by granting permission for signage for the purpose of sponsor identification. With respect to the signage on Private Self Service Bicycle Rental Stations and the Rental Bicycles which may be located at such facilities allowing the incorporation of the name of the Provider or its Sponsor on the Kiosk or the Rental Bicycles, such signage is considered to be a display on a device similar to vending machines, newspaper racks or telephone booths that is incidental to the provision of the service and shall not be considered to be general advertising. Likewise, the incorporation of place names or logos on the Map and Instruction Boards is incidental to the instructional or wayfinding purpose and shall not be considered to be general advertising. Other than the permission granted in this section for incidental displays no advertising of any type is permitted on Self Service Bicycle Rental Stations or the Rental Bicycles stored at such Stations.

(i) Based on the specialized purpose of permitting signage on Stations and Rental Bicycles and notwithstanding any other provision of the Code of Ordinances, signs on Stations and Rental Bicycles shall be allowed to display the type, size and number of signs permitted by this Section. Unless a sign is specifically permitted by this Section or the Code and any required permit has been obtained, it shall not be displayed at any Station or on any Rental Bicycle.

(ii) Stations are a permitted accessory use and are not entitled to any separate business identification signage either for the bike share accessory use or for the primary use.

(b) Signage permitted at Stations

(1) Signage on Kiosks

(i) So that the users of rental bicycles may be able to identify among Providers, each Station may display the name of the Provider operating such station or the name and/or logo of a single sponsor on each face of the Self Service Bicycle Rental Station Kiosk.

(ii) The size of the display (either by attached signage on the kiosk or painted or otherwise represented on the body of the kiosk) shall be limited to three hundred and twenty-four square inches on each face. These signs or displays may not be illuminated and shall not include any flashing, moving, digital or electronic changeable copy features; provided however that any screen used by an individual in the operation of the mechanisms for making payments or obtaining permission for rentals is exempt from this restriction but such screen shall not exceed nine by twelve inches.

(2) Map and Instruction Boards

(i) So that the users of rental bicycles may be better able to plan their routes, stops at places of interest and places to return the rental bicycles and be instructed on the use of the Stations and safety procedures, Map or Instruction Boards may be displayed on sides and rear of the Kiosk Stations in the manner provided in this Section. No Map or Instruction Board shall be internally illuminated and shall not include any flashing, moving, digital or electronic changeable copy features. Only one Map and one Instruction Board map shall be displayed at any Station.

(A) Instruction Boards shall be no greater than six square feet and shall be for the purpose of describing the manner of operation of the Station and the bicycles. Such Instruction boards may contain the logo and/or business name only of the owner, managing agent, or manufacturer of the Station provided that such display is not more than one-half of a square foot in area.

(B) Maps shall show other Stations in the bike sharing system may display the configuration of streets in the city or other directional information. Maps shall be no greater than six square feet. A maximum of twenty percent of the map may be used for the display of the names, addresses and logos of businesses and attractions which appear on the map.

(c) Signage on Rental Bicycles

Signage containing the name of the Provider or a Station sponsor is permitted on the fender, luggage rack, handlebars, pedals, wheel rim or frame of Rental Bicycles stored on or rented from Stations but no protruding or projecting component or appendage shall be attached to a Rental Bicycle for the purpose of providing a mounting surface for advertising.

(d) Signage on Helmet Vending Machines.

Signage containing the name of the Provider, a Station sponsor or the helmet manufacturer is permitted on the Helmet Vending Machines but no protruding or projecting component or appendage shall be attached to a Helmet Vending Machine for the purpose of providing a mounting surface for advertising.

Section 2: This ordinance shall become effective when signed by the Mayor or as otherwise provided by operation of law.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE ATTN: CANDACE L. BYRD

Dept.'s Legislative Liaison: Charletta Wilson-Jacks

Contact Number: 404-330-6730

Originating Department: Office of Planning

Committee(s) of Purview: Zoning

Chief of Staff Deadline: 06/06/2014

Anticipated Committee Meeting Date(s): 06/24-25/2014

Anticipated Full Council Date: 07/07/2014

Legislative Counsel's Signature: [Signature]

Commissioner's Signature: [Signature]

Chief Financial Officer: N/A

Chief Information Officer Signature (for IT Procurements): N/A

Chief Procurement Officer Signature: N/A

CAPTION

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF ATLANTA BY CREATING A NEW SECTION IN PART 16 ZONING OF CHAPTER 28 "GENERAL AND SUPPLEMENTAL REGULATIONS" WHICH IS TO BE CODIFIED AS SEC. 16-28.029 "SELF SERVICE BICYCLE RENTAL FACILITIES"; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT: (if any)

Mayor's Staff Only

Received by CPO: (date) Received by LC from CPO: (date)

Received by Mayor's Office: [Signature] 6/6/14 (date) Reviewed by: [Signature] (date)

Submitted to Council: (date)