

**A PROPOSED LOCAL LAW ENTITLED “AMENDING §490 ‘ZONING’
OF THE VILLAGE CODE OF THE VILLAGE OF PERRY TO INCORPORATE
‘COMPLETE STREETS’”**

BE IT ENACTED by the Village Board of the Village of Perry as follows:

SECTION I. ENACTMENT.

That Article VIIA entitled “Complete Streets” is hereby added as follows:

SECTION II. DEFINITION.

The Village Board of the Village of Perry hereby adopts the following changes to the Zoning Code of the Village of Perry:

§490-14 “Word Usage and Definitions”:

Amend to read as follows:

Complete Streets means streets that are designed and operated to enable safe mobility and access for all users, regardless of age or ability, so that pedestrians, bicyclists, motorists, and transit riders are able to safely move along and across a street. (Please refer to §490-74 through §490-76.5 for more information).

§490-74 (Reserved):

Amend to read as follows:

“Complete Streets” means streets that are designed and operated to enable safe mobility and access for all users, regardless of age or ability, so that pedestrians, bicyclists, motorists, and transit riders are able to safely move along and across a street.

- A. Complete Streets integrate people and place in the planning, design, construction, operation, and maintenance of transportation networks.*
- B. Complete Streets can include design elements utilizing both traditional “village center” street characteristics (curbs, narrow traffic lanes to promote slower speeds, sidewalks, crosswalks, striped on-street and/or angled parking, two-lane streets, tighter turning radii at street intersections, landscaped medians, ornamental pedestrian-scale street lights, street trees, etc.) and traffic calming features (“Yield to pedestrian in the crosswalk” signs, speed tables, pedestrian refuge islands, bicycle infrastructure, such as painted or protected bicycle lanes, speed humps, etc.). These design elements promote safety over speed and promote a hospitable and comfortable environment for all. These elements are intended to balance the needs of different modes and support local land uses, economic development, community character, and the natural environment. Different Complete Streets elements may be applied to different streets to enhance access and mobility, but the goal of accommodation remains the same regardless of which street these elements are applied to.*

SECTION III. POLICY

§490-75 (Reserved):

Amend to read as follows:

- A. *The Village should develop a safe, reliable, efficient, integrated, and connected multimodal transportation system that will promote access, mobility and health for all users, and will ensure that the safety and convenience of all users of the transportation system are accommodated, including pedestrians, bicyclists, users of public transit, people of all ages and abilities, emergency responders, delivery providers, motorists, and adjacent land users.*
- B. *The Village's goal in adopting a Complete Streets policy is to create an interconnected network of transportation facilities which accommodates all modes of travel in a manner that is consistent with neighborhood context and supportive of community goals as documented in the Village's comprehensive plan.*

SECTION IV. SCOPE OF APPLICABILITY

§490-76 (Reserved):

Amend to read as follows:

- A. *All municipal-owned transportation facilities in the public right-of-way, including but not limited to, streets, bridges, sidewalks, and recreational trails should be designed, constructed, operated, and maintained so that users of all ages and abilities can travel safely.*
- B. *Non-public streets and parking lots constructed on private property, but subject to the Village development review process, should adhere to this policy. Parking lots should consider pedestrian connectivity from building entrances to street facilities, safety and ease of pedestrian and bike accommodations in the parking lot, and any other improvements for all modes of transportation.*
- C. *The Village should foster partnerships with the State of New York, Wyoming County, neighboring municipalities, local businesses, and the Perry Central School District to develop facilities and programs that advance the Village's complete streets policy and continue such infrastructure beyond the Village's borders.*
- D. *The Village should approach transportation infrastructure projects as opportunities to create safer and more accessible streets for all users. The planning and review processes associated with transportation and/or development projects should incorporate as a primary objective the alteration of existing transportation infrastructure and the creation of new infrastructure that conforms with this policy. These phases include, but are not limited to: planning, programming, design, right-of-way acquisition, construction, construction engineering, reconstruction, operation, and maintenance.*

- E. *All new residential subdivisions will be required to comply with §475-11 for subdivision law for design standards. They should be required to construct sidewalks within the development at the time of initial construction of the infrastructure serving such subdivision.*

SECTION V. EXCEPTIONS

§490-76.1 (Reserved):

Amend to read as follows:

The incorporation of bicycle, pedestrian, and transit facilities should be mandated in all street construction, reconstruction, rehabilitation, and pavement maintenance projects undertaken by or on behalf of the Village. Exceptions may or may not be considered under one or more of the following conditions:

- A. *Any exception to this policy, including for private projects, must both be reviewed and approved by the Village Board and be documented with supporting data that indicates the basis for the decision. Such documentation should be publicly available.*
- B. *Exceptions to this policy may be considered when:*
- (1) An affected roadway prohibits, by law, use by a specific mode of transportation;*
 - (2) Facility owners conduct routine maintenance activities designed to keep their facilities in serviceable condition (e.g., mowing, cleaning, sweeping, spot repair, and surface treatments);*
 - (3) Temporary alterations to transportation infrastructure are made in response to a public safety or emergency situation;*
 - (4) The Zoning Board of Appeals (ZBA) issues a documented exception concluding that the application of Complete Streets principles is unnecessary, unduly cost prohibitive, or inappropriate because it would be contrary to public safety;*
 - (5) Other available means or factors indicate an absence of need, including future need; or*
 - (6) A reasonable equivalent, such as an adequate pedestrian path on a parallel route, is already an available or planned alternative.*

SECTION VI. DESIGN STANDARDS

§490-76.2 (Reserved):

Amend to read as follows:

- A. *The Village should plan, design, build, and maintain all bicycle, pedestrian, and transit facilities in accordance with accepted federal, state, and local standards and guidelines, but will consider innovative and/or non-traditional design options, as appropriate. The*

Village will strive in the implementation of this policy to reflect the context and character of the surrounding built and natural environments, and apply complete streets elements to enhance the appearance of the neighborhood.

B. The Village should follow commonly accepted design guidance for Complete Streets projects. Any conflicts in guidance will be resolved by the Village Planning Board in favor of the optimal solution for the Village's needs. Potential sources of design guidance can be obtained from the following organizations:

(1) United States Department of Transportation (USDOT), including the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA)

(2) U.S. Access Board

(3) New York State Department of Transportation (NYSDOT)

(4) American Association of State Highway & Transportation Officials (AASHTO)

(5) Transportation Research Board (TRB)

(6) Institute of Transportation Engineers (ITE)

(7) National Association of City Transportation Officials (NACTO)

(8) Smart Growth America

(9) Americans with Disability Act

C. In recognition of context sensitivity, public input, and the needs of many users, a flexible, innovative, and balanced approach that follows other appropriate design standards may be considered, provided that a comparable level of safety for all users is present. The Village Board recognizes that all streets are different and that the needs of all users will need to be balanced in a flexible manner, and that solutions should be developed to fit within the context of the community where construction is to take place and those solutions should be flexible so that the needs of the corridor can be met.

SECTION VII. PERFORMANCE MEASURES AND REPORTING

§490-76.3 (Reserved):

Amend to read as follows:

A. The Planning board should measure the success of this Complete Streets policy using the following performance measures:

(1) Total miles of bike facilities.

(2) Linear feet of new pedestrian facilities, including but not limited to:

(a) Crosswalk and intersection improvements.

(b) Number of new curb ramps installed along village streets.

(c) Number of crashes and injuries for all modes at location of improvements.

(d) Number of [audible] traffic signals.

(3) Other measures as agreed upon by the Village Board and the Village Planning Board

- B. An annual report will be made by the Planning Board to the Village Board showing progress made in implementing this policy. The annual report on the annual increase or decrease for each performance measure contained in this article compared to the previous year(s) should be posted online for each of the above measures.*
- C. The Village Planning Board will review each application it receives to determine how Complete Streets elements should be applied to the project. The Planning Board and the Complete Streets Taskforce will discuss Complete Streets annually at minimum, and then as needed to plan future complete streets projects within the Village. This will include the inventory and evaluation of how well each street in the Village is serving all users. The Planning Board and the Complete Streets Taskforce will identify and prioritize desired projects and redesigns and options for achieving a quality community and appropriate street environment, including improved accessibility; provide recommendations on policies and priorities, including maintenance of Complete Streets facilities; and assess opportunities to integrate, accommodate, and balance the needs of all users in street projects and address potential obstacles to implementing Complete Streets elements in the Village.*

SECTION VIII. THE COMPLETE STREETS TASKFORCE

§490-76.4 (Reserved):

Amend to read as follows:

- A. There is hereby created a Complete Streets Taskforce.*
- B. The Complete Streets Taskforce should consist of three (3) volunteer members; with one member appointed by the planning board to coordinate between the two.*
- C. The purpose of the Complete Streets Taskforce is to promote health through physical activity and active transportation for all users, specifically, the most vulnerable – children, older adults, and those with disabilities within the Village of Perry.*

SECTION IX. IMPLEMENTATION

§490-76.5 (Reserved):

Amend to read as follows:

The Village of Perry should view Complete Streets as integral to everyday transportation decision-making practices and processes. To this end:

- A. The Department of Public Works, the Planning Board, and other relevant departments, agencies, boards, or committees **will incorporate Complete Streets principles into all***

existing plans, standards, guidelines, manuals, and development review checklists, as appropriate (including, but not limited to, the municipal Comprehensive Plan, Zoning Code, Design Standards/Guidelines, Subdivision Regulations, Capital Improvement Program, Sustainability Plan, and Local Waterfront Revitalization Plan);

- B. *The Department of Public Works, the Planning Board, and other relevant departments, agencies, boards or committees will **review current design standards**, including subdivision regulations which apply to new roadway construction, to ensure that they reflect the best available design standards and guidelines, and effectively implement Complete Streets, where feasible;*
- C. *The Village should encourage **staff professional development and training** on complete streets through attending conferences, classes, seminars, and workshops;*
- D. *The Village should seek to identify all current and potential future **sources of funding** for street improvements and recommend improvements to the project selection criteria to support Complete Streets projects;*
- E. *The Village should promote **inter-departmental project coordination** among Village departments with an interest in the activities that occur within the public right-of-way in order to better use fiscal resources and promote complete streets principles.*

SECTION X. SEVERABILITY/VALIDITY

If any part or provision of this local law, or the application thereof, to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this local law, or application thereof to other persons or circumstances, and the Village Board of the Village of Perry hereby declares that it would have passed this Local Law or the remainder thereof, had such invalid application or invalid provision been apparent.

SECTION XI. REPEAL

All ordinances, local laws and parts thereof inconsistent with this local law are hereby repealed.

SECTION XII. EFFECTIVENESS

This local law shall take effect immediately upon filing in the office of the Secretary of State in accordance with §27 of the Municipal Home Rule Law of the State of New York.