

ORDINANCE NO. O-103-20

AN ORDINANCE implementing Complete Streets policy, and providing regulations associated therewith, adding new **Article IX, Sections 32-400 to 32-406** to Chapter 32 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

WHEREAS, securing the health, safety and welfare of residents, businesses, and visitors to Wyandotte County is the Unified Government of Wyandotte County/Kansas City, Kansas' (hereinafter "Unified Government" or "UG") top priority; and,

WHEREAS, the Unified Government acknowledges the benefits and value to the public health and welfare of increased walking, bicycling, and use of public transit in order to address a wide variety of issues, such as business activity, traffic congestion, pollution, climate change, social isolation, obesity, physical inactivity, and limited recreational opportunities; and,

WHEREAS, sedentary lifestyles and limited opportunities to integrate exercise into daily activities are factors contributing to increased obesity among adults and children and numerous correlated adverse health consequences; and,

WHEREAS, the Unified Government wishes to encourage walking, bicycling, and public transportation use as safe, convenient, environmentally friendly, and economical modes of transportation that promote health and independence for all people; and,

WHEREAS, the Unified Government desires to provide its citizens with open areas for recreational purposes through the Open Street program established herein, and reasonable regulation of Open Streets is necessary to protect the public health, safety, and welfare; and,

WHEREAS, streets, sidewalks, bicycle paths, and the public right-of-way are a key public space, shape the experience of residents of and visitors to Kansas City, directly affect public health and welfare, and provide the framework for current and future development; and,

WHEREAS, vending on the public streets and sidewalks may promote the public interest by contributing to an active and attractive pedestrian environment for businesses and customers. The purpose of accommodating vending carts, sidewalk sales, newspaper dispensers, vendor persons and sidewalk dining in pedestrian oriented commercial areas is to increase economic activity, attract pedestrians, extend their visits and enhance overall community quality of life; and,

WHEREAS, the Unified Government recognizes that the careful planning and coordinated development of Complete Streets infrastructure offers long-term cost savings for local and state government, benefits public health, curbs dangerous driving behavior, and provides financial benefits to property owners, businesses, and investors, while yielding a safe, convenient, and integrated transportation network for all users; and,

WHEREAS, the term "Complete Streets" describes a comprehensive, integrated transportation network with infrastructure and design that allows safe and convenient travel along and across streets for all users, including, but not limited to, pedestrians, bicyclists, public transit riders, motorists, emergency responders, and freight and commercial drivers, and people of all ages and abilities, including children, families, older adults, and individuals with disabilities; and,

WHEREAS, the Unified Government has direct authority over the planning, design, construction, and maintenance of the transportation infrastructure within the limits of the City of Kansas City, Kansas (hereinafter "the City"); and,

WHEREAS, the Unified Government wishes to build upon its existing policies that recognize the importance of addressing the transportation needs of pedestrians, bicyclists, public transit riders, motorists, emergency responders, and freight and commercial drivers, and people of all ages and abilities, including children, families, older adults, and individuals with disabilities; and,

WHEREAS, the Board of Commissioners resolved to adopt the Complete Streets philosophy as the guiding policy of the Unified Government by passing Resolution R-22-11 on April 7, 2011; and,

WHEREAS, the Unified Government wishes to encourage and facilitate public participation in community decisions concerning the public right-of-way, regardless of age, ability, language, and ethnicity.

**BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF
WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:**

Section 1. That a new Chapter 32, Streets and Sidewalks, Article IX, Sections 32-400 – 32-406 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, are hereby added to read as follows:

ARTICLE IX – COMPLETE STREETS

32-400 – Intent.

a. Vision.

1. Complete Streets is an approach to the planning, design, construction, operation, and maintenance of our roadways and trail systems that provides safety and accessibility for all users, including, but not limited to, pedestrians, bicyclists, public transit riders, motorists, emergency responders, and freight and commercial drivers, and people of all ages and abilities, including children, families, older adults, and individuals with disabilities. Such an approach contributes toward the safety, health, equity, economic viability, and quality of life in Wyandotte County by providing a multitude of mobility choices between home, school, work, recreation, and retail destinations.
2. The purpose of Unified Government's Complete Streets Ordinance is to accommodate all road users equally by realizing a balanced road and trail network that safely moves people, not just vehicles. Furthermore, this ordinance directs Staff to consistently plan, design, construct, operate, and maintain streets to accommodate all road users, including, but not limited to, pedestrians, bicyclists, public transit riders, motorists, emergency responders, and freight and commercial drivers, and people of all ages and abilities, including children, families, older adults, and individuals with disabilities.

b. Diverse Users.

1. The Unified Government recognizes that promoting a diversity of transportation options has multiple benefits, namely access to opportunity, public safety, active living, and economic, social, and environmental resiliency, and as such, all users, including, but not limited to, pedestrians, bicyclists, public transit riders, motorists, emergency responders, and freight and commercial drivers, and people of all ages and abilities, including children, families, older adults, and individuals with disabilities, are legitimate and deserving of adequate facilities.
2. While this ordinance applies throughout Wyandotte County, the Unified Government shall work toward successful implementation of Complete Streets in neighborhoods with historic disinvestment, with poor health outcomes, that are a low- to moderate-income community, or where fewer than 75% of households have access to an automobile.

c. Full Commitment.

1. The Unified Government recognizes that all new roadway projects or major maintenance projects are opportunities to apply Complete Streets design principles as developed in the most current comprehensive complete street design manual.

2. While any such roadway and trail projects are being constructed or repaired, the Unified Government shall provide appropriate accommodations to support the safe, reliable movement of all road users within the project area, regardless of their preferred mode of transportation.

32-401 – Definitions.

The following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning. Where words and phrases used in this Article are defined by state law, such definitions shall apply to the use of such words and phrases in this Article and are adopted by reference. Those definitions so adopted that are further defined or are reiterated in this Section shall have the meanings set out in this Section.

Complete Street – means a street or street network that is designed and operated to enable safe access for all users, in that pedestrians, bicyclists, public transit riders, motorists, emergency responders, and freight and commercial drivers, and people of all ages and abilities, including children, families, older adults, and individuals with disabilities, are able to safely move along and across a street. Complete Streets aid in providing access to employment and activity centers for citizens with limited mobility or lack of access to automobiles.

Geometric Redesign – means the widening or narrowing of a roadway pavement width.

Low- to Moderate-Income Community – means at least 20 percent of the census tract is at or below the poverty rate, the median family income (MFI) for a census tract does not exceed 80 percent of the greater of statewide MFI or metropolitan area MFI, or any population whose income is between 81 and 95 percent of the MFI for the area.

Major Maintenance – means any construction or repair activity which removes more than 50% of the pavement structure for a given street segment.

Multimodal – means a transportation system that addresses the modes of travel for the movement of people that includes, but is not limited to, pedestrians, bicyclists, public transit riders, motorists, emergency responders, and freight and commercial drivers, and people of all ages and abilities, including children, families, older adults, and individuals with disabilities.

Operations – means non-capital activities required to keep roadways and rights-of-way in safe and effective operation condition.

Rehabilitated Intersections – means intersection construction which alters the width or elevation of the intersection.

Right-Sizing – means the practice of redesigning a public right-of-way or portion of a public right-of-way to make it context-sensitive.

Green Streets – means a stormwater management approach that incorporates vegetation (perennials, shrubs, trees), soil, and engineered systems (e.g., permeable pavements) to slow, filter, and cleanse stormwater runoff from impervious surfaces (e.g., streets, sidewalks). Green Streets are designed to capture rainwater at its source, where rain falls. Whereas, a traditional street is designed to direct stormwater runoff from impervious surfaces into storm sewer systems (gutters, drains, pipes) that discharge directly into surface waters, rivers, and streams.

Vision Zero – means a collaborative campaign helping communities reach their goals of Vision Zero—eliminating all traffic fatalities and severe injuries—while increasing safe, healthy, equitable mobility for all.

32-402 – Scope of Complete Streets Applicability.

- a. All transportation facilities owned by the Unified Government in the public right-of-way, including, but not limited to, streets, bridges, and all other connecting sidewalks and pathways shall be planned, designed, constructed, operated, and maintained to adhere to the intent of Complete Streets.
- b. The Unified Government shall maintain Complete Street elements within the general scope of roadway projects.
- c. The Unified Government shall incorporate Complete Street elements and principles into relevant public strategic plans, capital improvement plans, design standards, design manuals, rules, regulations, and programs.
- d. The Unified Government shall coordinate with the State of Kansas, public transportation providers, and neighboring jurisdictions so that streets, bridges, and all other sidewalks and pathways connecting to other jurisdictions comply with the intent of Complete Streets. School districts, community improvement districts, and other special taxing districts shall comply with this Complete Streets Ordinance to ensure that streets, bridges, and all other connecting sidewalks and pathways not owned by the Unified Government but which are within the city limits comply with the intent of Complete Streets.
- e. Private developments shall accommodate multimodal connections in accordance with Section 27 of the Code of Ordinances and any relevant public strategic plans.
- f. The Unified Government shall approach every new roadway or major maintenance project and project phase as an opportunity to create safer, more accessible streets for users. These phases include, but are not limited to programming, studies, pre-design, design, right-of-way acquisition, construction, construction engineering, reconstruction, operation, and major maintenance.
- g. The Unified Government shall require all maintenance and ongoing operations to account for the needs of all modes and all abilities to the best of its abilities.
- h. The Unified Government shall include any improvements recommended by relevant public strategic plans.
- i. New, geometrically redesigned, or rehabilitated intersections along existing bike routes or proposed bike routes included in the Capital Maintenance and Improvement Plan (CMIP)

shall be built with sufficient widths for safe bicycle and pedestrian use, including crosswalks and appropriate pedestrian signalization equipment.

- j. Any new bridge or bridge rehabilitated by major maintenance that is likely to remain in place for 25 years or longer shall be designed and built with the intent to accommodate sufficient widths for safe bicycle facilities as identified on public strategic plans and pedestrian use. Bridges, viaducts, overpasses, and underpasses shall be designed and built with a sidewalk. Bridges, viaducts, overpasses, and underpasses shall be designed and built with facilities recommended in the adopted ordinance. Sidewalks and bike facilities as identified in any relevant public strategic plans shall be included regardless of the presence of such facilities on the approach roadway.

k. Jurisdiction

1. Implementation of the Unified Government Complete Streets Ordinance will be carried out cooperatively within all relevant departments in the Unified Government and, to the greatest extent possible, among private developers, as well as state, regional, and federal agencies.
2. The Unified Government shall, when applicable, work to encourage collaboration across jurisdictions within its borders on appropriate projects.
3. The Infrastructure Action Team (IAT), as defined by the Department of Public Health, shall serve as the permanent advisory committee for Complete Streets projects throughout Wyandotte County.
 - i. The IAT shall gather and facilitate both internal UG and external stakeholder input.
 - ii. The IAT shall continue to foster public engagement and bring a diversity of community voices to bear on all Complete Streets projects and how the Complete Streets policy relates to any relevant public strategic plan.
 - iii. Duties
 - A. The IAT will define goals and develop metrics, including, but not limited to, safety, public health, performance, need, and equity, to track implementation of the Complete Streets Ordinance and its impact on Wyandotte County's diverse neighborhoods and report to the Board of Commissioners on an annual basis.
 - B. The IAT, in collaboration with other appropriate Departments and community stakeholders, shall collect and publicize the identified performance measures, and annual reporting documents.

32-403 – Alternatives and Exceptions.

- a. Any exception to this Complete Streets Ordinance, including for private projects, shall be first reviewed by the County Engineer and be documented with supporting data that indicates the basis for the decision. Exceptions may be considered for approval under one (1) or more of the following circumstances:
1. A viable alternative is presented that provides for the appropriate multimodal accommodation;

2. The cost for accommodating a particular mode or category of users would be excessively disproportionate to the benefits of that improvement, with due consideration to future users, latent demand, and the social and economic value of a transportation system for all users;
 3. The cost for accommodating long-term maintenance of a Complete Street would be excessively disproportionate to the benefits of that improvement, with due consideration to future users, latent demand, and the social and economic value of a transportation system for all users;
 4. The application of Complete Streets principles would be contrary to public safety;
or
 5. An absence of current and future need to serve a category of users is documented (e.g. in a rural or low-density area which lacks water or sewer utilities). In determining future need, applicants must consult relevant public strategic plans.
- b. Measures such as, but not limited to, vehicular level of service, average daily traffic, pedestrian counts, or bicycle counts, each on their own shall not be justification for an exception to the intent of Complete Streets.

32-404 – Design Guidelines.

- a. Complete Streets design recommendations shall be incorporated into all publicly and privately funded projects, as appropriate. All transportation infrastructure and street design projects requiring funding or approval by the Unified Government, as well as projects funded by the State and/or Federal government, shall adhere to the Unified Government's Complete Streets policy.
- b. The Unified Government shall develop and regularly update a comprehensive complete street design manual that provides context sensitive design guidance for how complete streets will be implemented and incorporated in each phase of every project to meet the intent of this Complete Streets Ordinance. This includes, but is not limited to, the design of sidewalks, refuge islands, curb extensions, traffic-calming measures, traffic signals, accessible curb ramps, bicycle lanes, separated bikeways, multi-use trails, bicycle parking facilities, signage, street trees, public transportation stops, and roadway right-sizing, in conjunction with construction, reconstruction, or other investment in a public right-of-way.
- c. The Unified Government Complete Streets Ordinance will focus on developing a connected, integrated network that serves all road users, including, but not limited to, pedestrians, bicyclists, public transit riders, motorists, emergency responders, and freight and commercial drivers, and people of all ages and abilities, including children, families, older adults, and individuals with disabilities. Complete Streets will be integrated into policies, planning, and design of all types of public and private projects.
- d. The latest design guidance, standards, and recommendations available will be used in the implementation of the Complete Streets policy. The following are approved organizations which produce manuals and guides, and the latest edition of each may be consulted if

relevant to the purpose of the planning, design, construction, operation, and maintenance of Complete Streets; including but not limited to:

1. American Association of State Highway Transportation Officials (AASHTO);
2. The United States Department of Transportation Federal Highway Administration's (FHWA) Manual of Uniform Traffic Design Controls;
3. National Association of City Transportation Officials (NACTO) Design Guides;
4. Small Town and Rural Design Guide, Federal Highway Administration;
5. United States Access Board Guidelines and Standards;
6. Public Rights of Way Access Guidelines;
7. Americans with Disabilities Act (ADA) Standards for Accessible Design;
8. Urban Street Stormwater Guide;
9. Documents and local plans created for the Unified Government or Wyandotte County;
10. Institute of Transportation Engineers (ITE)
11. Transportation Research Board (TRB)
12. National Cooperative Highway Research Program (NCHRP)
13. Manual on Uniform Traffic Control Devices (MUTCD)
14. Multimodal Level of Service Analysis for Urban Streets, NCHRP
- e. All sidewalks, street crossings, and other street elements shall meet or exceed the accessibility guidelines set forth by the United States Access Board in the most recent edition of the Public Rights of Way Accessibility Guidelines (PROWAG) and ADA Standards for Accessible Design.
- f. Right-Sizing
 1. The Department of Public Works is automatically authorized to right-size any non-exempt public right-of-way if all of the following criteria are met:
 - i. The average daily traffic on that portion of right-of-way is less than 20,000 vehicles; and
 - ii. The peak hour traffic on that portion of right-of-way is less than 1,000 vehicles per hour.
- g. Green Streets
 1. Complete Streets includes elements to integrate stormwater management and biomimicry best practices in accordance with Green Streets principles.
- h. Vision Zero
 1. Complete Streets includes elements to optimize public safety and work toward the elimination of traffic injuries and fatalities in accordance with Vision Zero principles.

32-405 – Land Use and Context Sensitivity.


- a. The endeavor to realign Wyandotte County towards the principles of Complete Streets also necessitates a greater consideration for how transportation intersects with broader land use decisions. As a result, all new or revised land use policies, plans, zoning ordinances, and other relevant public strategic plans shall comply with this Complete Streets policy.

- b. In order to ensure that full consideration is being given to Wyandotte County's physical, economic, and social setting, Complete Streets principles shall include community context as a factor in decision making. A context-sensitive approach will give significant consideration to stakeholder and community values. The overall goal of this approach is to preserve and enhance scenic, aesthetic, historic, and environmental resources while improving or maintaining safety, mobility, and infrastructure conditions.

32-406 – Implementation.

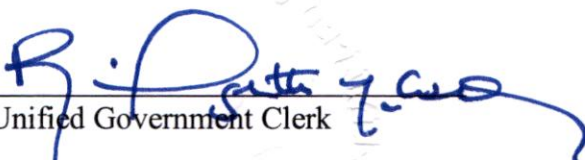
- a. The Unified Government shall make Complete Streets principles a routine part of everyday operations when feasible, shall approach every transportation project and program as an opportunity to improve streets and the transportation network for all users, and shall work in coordination with other departments, agencies, and jurisdictions to achieve Complete Streets.
- b. The Unified Government shall work to mitigate any unintended consequences related to the implementation of Complete Streets principles.
- c. Further, the Unified Government will work to ensure that this ordinance remains in accordance with the optimal standards of the latest ordinance elements as authored by the National Complete Streets Coalition.
1. The Unified Government shall review this policy every three years and adopt changes as technologies and design standards evolve.
- d. The Public Works Department, the Department of Planning and Urban Design, and other relevant departments, agencies, or committees shall incorporate Complete Streets principles into all existing and future plans, manuals, checklists, decision trees, rules, regulations, and programs as appropriate. Said entities shall 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 implement Complete Streets where feasible.
- e. The Unified Government shall promote inter-departmental project coordination among UG departments with an interest in the activities that occur within the public right-of-way in order to better use fiscal resources.
- f. When available, the Unified Government shall encourage staff professional development and training on non-motorized transportation issues through attending conferences, classes, seminars, and workshops.

ADOPTED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS
THIS 19th DAY OF NOVEMBER, 2020.



David Alvey, Mayor/CEO

ATTEST:


Unified Government Clerk

(PUBLISHED IN THE *WYANDOTTE ECHO* on December 3, 2020)

SUMMARY OF ORDINANCE NO. O-103-20

On November 19, 2020, the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas passed an ordinance entitled:

An Ordinance implementing the Complete Streets policy, and providing regulations associated therewith, adding new Sections 32-400 to 32-406 to Chapter 32 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

The Ordinance implements the previously approved Complete Streets policy, which is an approach to planning, design, construction, operation and maintenance of the roadways and trail systems that provides safety and accessibility for all users. The Ordinance clarifies how the policy is to be applied, provides design guidelines to be used, and sets forth limited alternatives and exemptions to the policy when circumstances require them.

A complete text of the ordinance may be obtained or viewed free of charge at the office of the Clerk of the Unified Government, 701 N. 7th Street, Kansas City, Kansas. A reproduction of the Ordinance is available for not less than seven (7) days following the publication date of this Summary at:

<http://public.wycokck.org/sites/ugordinancesresolutions/Pages/default.aspx> .

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: November 23, 2020



Kenneth J. Moore
Chief Counsel



Staff Request for Commission Action

Tracking No. 20447

Full Commission Meeting Date: 11/19/2020

Committee: Public Works & Safety

Date of Standing Committee Action: 10/26/2020

(If none, please explain):

Publication Required: No

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
10/30/2020	Gunnar Hand	5751	ghand@wycokck.org	Planning and Urban Design

Item Description:

AN ORDINANCE implementing Complete Streets policy, and providing regulations associated therewith, adding new Article IX, Sections 32-400 to 32-406 to Chapter 32 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

Action Requested:

Approve ordinance

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Complete Streets Ordinance.DRAFT