

ORDINANCE NO. 1697-719

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING CHAPTER 21 OF THE AVONDALE CITY CODE BY AMENDING SECTION 21-10 PERTAINING TO MANDATORY MINIMUM DEVELOPMENT REQUIREMENTS; AND AMENDING SECTION 21-11 PERTAINING TO STREETS; DEDICATION AND IMPROVEMENT REQUIREMENTS; INITIAL ANALYSIS; AND AMENDING SECTION 21-52 PERTAINING TO STREET LIGHTING SYSTEM, ELECTRIC UTILITY COMPANIES; STANDARDS;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVONDALE as follows:

SECTION 1. Chapter 21 of the Avondale City Code is amended by amending Section 21-10 pertaining to Mandatory minimum development requirements and which shall read as follows:

21-10 - Mandatory minimum development requirements.

Any person developing or otherwise improving a parcel of land in the city shall comply with the following minimum street standards. These minimum standards shall not preclude the city engineer or designee from imposing additional and/or increased standards as may be provided in the city's general plan, specific plans, specifications, standards and guidelines:

- (a) Provide access to a dedicated public right-of-way.
- (b) Dedicate the minimum required city right-of-way required under the city's subdivision regulations.
- (c) Install paving, curb, gutter, required street, safety and regulatory signs and sidewalk abutting property to city specifications, standards and guidelines. In lieu of requiring the improvements under this section, the city manager or designee may enter into a development agreement to provide that the improvements may be made in conjunction with other improvements or through participation in an improvement district, or under such other requirements as deemed acceptable to the city manager or designee, ~~and in a form approved by the city attorney.~~
- (d) Design and construct required street lights and dedicate street lights to the city in Arizona Public Service service areas. In Salt River Project service areas, the owner or developer shall pay the investment fee charged by the Salt River Project for the street lights.
- (e) Participate in the construction of required piping, box culverts and drainage facilities required to convey existing sheet flows from the property as determined by the city engineer or designee.
- (f) Install fiber conduit and related infrastructure along the road frontage(s) abutting the property being developed or improved in accordance with city specifications standards and

guidelines. This shall apply if the abutting road(s) are either of the following:

- (1) arterial roads; or
- (2) collector roads.

SECTION 2. Chapter 21 of the Avondale City Code is amended by amending Section 21-11 pertaining to Streets; dedication and improvement requirements; initial analysis and which shall read as follows:

21-11 - Streets; dedication and improvement requirements; initial analysis.

Notwithstanding the provisions of section 21-10 above, the city engineer or designee may require an initial analysis of any parcel of land to determine if the city should require additional right-of-way dedications and street improvements.

(a) The initial analysis shall consist of a trip generation study performed, signed and sealed by an Arizona registered professional engineer, in a form acceptable to the city engineer or designee. Such study shall be at the applicant's sole cost and expense, and shall include an analysis of existing roadway capacity and impacts of the proposed project on access, visibility, traffic load and turning movements.

(b) Based on the initial analysis, the city engineer or designee may impose the following additional requirements:

(1) Additional right-of-way dedication up to the maximum provided under the city's transportation plan and/or general plan.

(2) Additional building-restricted areas for view corridors.

(3) Additional walls and building-restricted areas for truck traffic mitigation.

(4) Deceleration lanes and dedicated turn lanes.

(5) Bus bays and bus shelters.

(6) Additional paving and paving repairs.

(7) Traffic signals and/or other traffic control devices.

(8) Fiber conduit and related infrastructure.

(89) Additional street lighting on major and minor arterial roadways.

(910) Restrictions on access to roadway and/or traffic medians to restrict left hand turning movements.

(1011) Drainage facilities for street drainage.

(1112) Any other requirement that the city engineer or designee determines necessary to provide for traffic safety, pedestrian access and vehicular access and to mitigate impacts on street capacity and maintenance.

SECTION 3. Chapter 21 of the Avondale City Code is amended by amending Section 21-

52 pertaining to Street lighting system, electric utility companies; standards and which shall read as follows:

21-52 - Street lighting system, electric utility companies; standards.

The city is serviced by two (2) electric utility companies; Arizona Public Service Company and the Salt River Project. Different standards for installation and design apply in each service area.

(a) Arizona Public Service Company ("APS") Service Area: This area includes that portion of the City of Avondale in which APS has been granted a certificate of convenience and necessity to provide electric utility service by the Arizona Corporation Commission. The street lighting in this area shall be designed by the owner's engineer and the plans submitted to the city for review and approval. The city shall impose a charge on the owner for each review and approval of the plans. Upon approval of the plans by the city, the street lighting system shall be installed by APS. The developer shall pay the design and installation costs directly to APS. The street lighting system will be inspected by the city and/or APS prior to final plat approval. If the city determines that the street lighting system meets city standards, the street lighting system will be dedicated to the city in conjunction with the final plat approval. Ownership of the street lighting system will be conveyed to the city by dedication on the final plat, which upon recording with the Maricopa County Recorder shall constitute acceptance of the dedication by the city. If the project is not a subdivision, ownership of the street lighting system shall be conveyed to the city by an instrument acceptable to the city ~~manager attorney~~ and recorded in the office of the Maricopa County Recorder.

(b) Salt River Project ("SRP") Service Area: This includes that portion of the City of Avondale in which the Salt River Agricultural and Power Improvement District in furtherance of its water delivery functions provides electric utility service. The street lighting in this area shall be designed and installed by SRP. The developer shall pay the design, installation and energizing costs charged by SRP to the developer to the city and these costs will then be forwarded to SRP.

SECTION 4. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 5. This Ordinance shall become effective in the manner provided by law.

SECTION 6. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to take all steps and to execute all documents necessary to carry out the purpose and intent of this Ordinance.

PASSED AND ADOPTED by the Council of the City of Avondale, July 22, 2019.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

Michael S. Wawro, City Attorney