

Ordinance _____

An ordinance of the Missoula City Council amending Missoula Municipal Code Title 12, entitled “Streets, Sidewalks and Public Places by allowing subsidy to apply to new single dwelling, duplex, ADU projects with postponements, to be effective on February 5, 2025.

Be it ordained that Sections 12.10.130, of the Missoula Municipal Code are hereby amended:

Title 12

STREETS, SIDEWALKS AND PUBLIC PLACES

Chapter 12.10

RIGHT-OF-WAY IMPROVEMENTS

12.10.130 Postponement of Required Right-of-Way Improvements.

- A. A postponement request shall be made to the Director, or Director's Designee, in writing providing reasons for the requested postponement. Single family or duplex residential units or lots are eligible for right of way improvement postponements. Note: Three or more residential units or lots on the same block, or any commercial or industrial lots will not be eligible for a postponement.
- B. The Director, or Director's Designee, may approve postponement of the requirement for right-of-way improvements when any one of the following criteria is met:
 - 1. The improvements do not provide immediate public benefit, including, but not limited to, connection to other public infrastructure, safety, not located on a priority sidewalk and/or bicycle corridor, protection of existing infrastructure, or protection of the natural environment.
 - 2. The ultimate alignment and grade of the street has not been established by physical, on the ground, improvements or preliminary engineering plans. However, properties with large frontage, high pedestrian need, drainage concerns, or parking and access control problems may be required to establish street alignment and construct right-of-way improvements.
 - 3. Adverse conditions exist that prevent cost-effective construction of improvements including, but not limited to, lack of available right-of-way, adverse topography, major utility conflicts, or irrigation ditches. Existing landscaping, existing fences, or lack of existing sidewalks are not considered adverse conditions.
 - 4. A City initiated right-of-way improvements construction project adjacent to the property is planned to be completed as identified within the current five (5) year Community Investment Program (CIP).
 - 5. The cost of the right-of-way improvements for an existing building remodel exceeds 20% of the total project cost, subject to review and approval of cost estimates by the City Engineer.

- C. The need for temporary pedestrian facilities may be required if the conditions in this chapter have resulted in a postponement of right-of-way improvements. A corridor for future ROW improvements must be maintained. The plans for temporary pedestrian facilities, if required, as well as plans for landscaping and grading in the right-of-way shall be approved by the Director, or Director's designee prior to construction.
- D. Sidewalks and other ROW improvements deferred pursuant to subsection (A) of this section, may be initiated at any time by resolution of the City Council. (Ord. 3709, 2023; Ord. 3670, 2020)