



MEMORANDUM

Date: July 15, 2010

To: Thermopolis Master Plan Committee

From: Ken Markert, AICP

Re: Town Zoning and Subdivision Regulations

Zoning and subdivision regulations are two of the most important tools for implementing a town master plan. In Thermopolis, the zoning and subdivision regulations are two separate chapters in the Town Code (Chapters 15 and 13, respectively). Both should be revised following adoption of the new Master Plan so that future development and land use more closely conform to the new plan. In addition, both Chapters have existing problems that would warrant correction independent changes necessitated by a new master plan.

The Zoning Regulations have some good features but the regulations:

- Are overly complex in areas (such as too many residential districts);
- Over use subjective standards that create excessive uncertainty about what is ultimately allowed (such as the carrying capacity analysis of the RE district and performance standards for conditional uses); and
- Provide very little on good design specifications for new development.
- In general, the zoning regulations are not up-to-date with modern practices that encourage developments to be more people oriented and less automobile oriented.

The new Master Plan will recommend some newer approaches to development and land use that are usually implemented through zoning. The Zoning Regulations would need to be revised to accomplish the following:

- More effectively encourage infill development:
 - Relax set back and lot coverage for residential areas in infill situations.
 - Reduce on-site parking requirements for commercial areas.

- Improve specifications for pedestrian facilities.
- Update allowed uses in each zone:
 - Allow greater variety of residential uses in residential zones.
 - Update zoning requirements for manufactured housing.
 - Allow more variety of land uses in most zones.
 - Revise commercial zones for transitional commercial areas such as West Broadway Street and old refinery site.
 - Allow more tourist-related facilities such as RV parks.
 - Create new zone for Growth Reserves and South Entry Corridor.
- Update development specifications:
 - Enhance the commercial development design guidelines (performance standards) to better address parking, lighting, landscaping, pedestrian facilities, and building designs (new guidelines could be regulatory, voluntary, or a combination).
 - Revise building setbacks to reflect recommendations of the new Master Plan.
 - Revise the Floor-Area-Ratios to be consistent with the Master Plan.

The Town's Subdivision Regulations are also important in implementing the new Master Plan. Because the Town has not had many major subdivision in the recent past, there is a lack of familiarity with the requirements and processes involved. In addition, the regulations have some drawbacks. These considerations warrant greater attention given difficulty the Town has had recently with getting proper results with some major subdivisions.

The Town's subdivision regulations are weak in some important areas including:

- There is no solid financial guarantee requirement to ensure that developers build all required improvements (streets, utilities, etc.). A performance bond or irrevocable letter of credit should be required. There are other alternatives that also work. However, it is critical to have solid financial guarantees with new subdivisions.
- There are no specifications for subdivisions in County but within one-mile of town. Town approval is required in such instances but full conformance with all in-town subdivision requirements may not be necessary. It is best to specify in advance what the Town will and will not require.

- There is a need to update specifications for required facilities. Facilities typically include streets, sidewalks, street signs, street lights, water, sewer, storm drainage, telephone, power, gas, etc. The Town's regulations are very loose and not specific about what is required. Installation of sidewalks are easily waived, which is not ideal.

In conclusion, after adopting a new Master Plan it is usually a good practice to review and often revise the two most important tools in implementing the plan, the zoning and subdivision regulations. In Thermopolis, revamping both sets of regulations would really improve the Town's ability to implement the new Master Plan as well as correcting on-going problems.