

Chapter 21

DENSITY

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21.0 Purpose: The purpose of this chapter is to establish maximum densities, to set forth methods for calculating maximum densities, and to distinguish development rights from density.

21.1 Applicability: The provisions of this chapter are applicable to all projects and activities. This chapter applies primarily to residential uses, tourist accommodations, developed campgrounds, recreational vehicle parks, and group recreation facilities.

21.2 Maximum Density: The table in Section 21.3 sets forth the maximum density that may be permitted in a project area. Plan area statements, community plans, master plans, redevelopment plans, and specific plans may establish more restrictive standards. Increases in density up to the maximum allowed in accordance with section 21.3 are subject to the following provisions:

21.2.A Residential Uses: Each parcel where residential uses are permissible is entitled to one residential unit. Higher densities, up to the limits in the table in Section 21.3, or as established in applicable plan area statements, community plans, master plans, redevelopment plans, or specific plans, whichever is most restrictive, may be developed by transfer of development rights, transfer of existing development, transfer of allocations, or multi-residential incentives in accordance with Chapters 34 and 35.

21.2.B Tourist Accommodation Uses: On parcels where tourist accommodation uses are permissible, density up to the limits in the table in Section 21.3, or as established in applicable plan area statements, community plans, master plans, redevelopment plans, or specific plans, whichever is most restrictive, may be developed by transfer of existing development in accordance with Chapter 34, or by obtaining tourist accommodation bonus units in accordance with Chapter 35.

21.2.C Recreation Uses: On parcels where developed campgrounds, recreational vehicle parks, or group facilities are permissible, density up to the limits in the table in Section 21.3, or as established in applicable plan area statements, community plans, master plans, redevelopment

plans, or specific plans, whichever is most restrictive, may be developed through utilization of recreational development allocations in accordance with Chapter 33, or by transfer of existing development in accordance with Chapter 34. For other types of recreational uses, maximum densities or intensities shall be determined by the site development standards in Chapters 20 through 30, inclusive, and other applicable provisions of this Code.

21.2.D Density of Commercial, Public Service, and Resource Management Uses: Where commercial, public service, and resource management uses are permissible, the density or intensity shall be determined by the site development standards in Chapters 20 through 30 of this Code, inclusive, and other applicable provisions of this Code.

21.3 Table of Maximum Densities: Except where a plan area statement, community plan, master plan, redevelopment plan, or specific plan sets a more restrictive standard, no person shall create a density that exceeds the limits set forth in the following table, or as provided in Subsection 21.3.B

Use	Maximum Density
<u>Residential Uses</u>	
A. Single-family dwelling (parcels less than 1 acre)	1 unit per parcel
B. Single-family dwelling (parcels 1 acre or larger)	2 units per parcel, provided one unit is an authorized secondary residence
C. Summer home	1 unit per parcel or lease site
D. Multiple-family dwelling	15 units per acre
E. Mobile-home dwelling	8 units per acre
F. Multi-person dwelling, nursing and personal care, and residential care	25 persons per acre
<u>Tourist Accommodations</u>	
A. Bed and Breakfast	10 units per acre
B. All other	
1. if less than 10% of the units have kitchens	40 units per acre
2. if 10% or more of the units have kitchens	15 units per acre
<u>Recreational Uses</u>	
A. Developed Campgrounds	8 sites per acre
B. Recreation vehicle parks	10 sites per acre
C. Group facilities	25 persons per acre

21.3.A Conversion Factors: For residential uses, 2.5 persons shall be

equivalent to one residential unit. For recreational uses, four persons shall be equivalent to one recreation site.

21.3.B Affordable Housing: Density for affordable housing meeting TRPA requirements may be increased as follows:¹

1. Affordable housing projects may be permitted to increase the density permitted in the table or the applicable plan area statement, community plan, master plan, redevelopment plan, or specific plan, whichever is less, by 25 percent, provided TRPA finds that: (1) the project, at the increased density, satisfies a demonstrated need for additional affordable housing; and (2) the additional density is consistent with the surrounding area, or
2. Affordable housing project located in designated special areas for affordable housing within the Kings Beach Commercial Community Plan may be permitted to increase the density permitted in the table or applicable community plan whichever is less, by 100 percent, provided TRPA finds that:²
 - a. The project, at the increased density, satisfies a demonstrated need for additional affordable housing;
 - b. The additional density is consistent with the surrounding area; and
 - c. The project meets the Kings Beach Commercial Community Plan improvement requirements and special policies of the Special Area.

21.3.C Timeshare Uses (Residential Design): A timeshare use (residential design) in an adopted community plan area may increase the permitted density in the community plan by a factor of 2 or a timeshare use (residential design) in an adopted TRPA redevelopment plan area may increase the permitted density by a factor of 2.5, provided TRPA makes the following findings.

- (1) The special use findings in Subsection 18.1.B;
- (2) That the project provides transit service for its patrons directly or by contract with a transit provider;
- (3) That the project provides pedestrian and access amenities within the project area or within adjacent rights-of-way, consistent with the community or redevelopment plan; and
- (4) If the project area contains excess land coverage: that the land coverage will be reduced to no more than 75 percent of the project area; or, if applicable, the land coverage will be reduced in accordance with Subsection 15.9.A.

¹ Amended 1/20/10

² Added 1/20/10

21.3.D Density In Special Height Districts: The maximum densities established in the Table of Maximum Densities may be exceeded for projects located in designated Special Height Districts as defined in Subsection 22.4.D. The amount of deviation from the density standards shall be established by a density analysis report approved by TRPA; however, the deviation shall not exceed the maximum densities established by this chapter by a factor of 3. To approve any project relying on the increase in density specified in the report, TRPA shall make the findings pursuant to subparagraphs 21.3.C(1), (2), (3), and (4).[§]

21.4 Calculation Of Maximum Density: The maximum density which may be permitted within a project area shall be calculated as follows:

21.4.A Single Uses: For a single use, the maximum densities in the table in Section 21.3, or as established in an applicable plan area statement, community plan, master plan, redevelopment plan, or specific plan, whichever is most restrictive, shall be applied to the project area.

21.4.B Mixed Uses: For mixed uses, the maximum densities shall be established as follows:

- (1) The category of the mixed use shall be determined from the following table:

TABLE OF MIXED USE CATEGORIES

[§]Amended 8/26/98

	Single Family Dwelling Summer Home	Multi Family Dwelling Mobile Home	Multi Person Dwelling Bed and Breakfast	Other Tourist (LT 10% Kitchens) Other Tourist (GT 10% Kitchens)	Developed Campground Recreation Vehicle Park Group Site	Commercial Use Public Service Use Other Recreational Use Resource Management
Single Family Dwelling Summer Home		A		A	A	D
Multi Family Dwelling Mobile Home						E
Multi Person Dwelling Bed and Breakfast	A	B		B	B	F
Other Tourist (LT 10% Kitchens) Other Tourist (GT 10% Kitchens)	A	B		C	B	E
Developed Campground Recreation Vehicle Park Group Site	A	B		B	B	F
Commercial Use Public Service Use Other Recreational Use Resource Management	D	E	F	E	F	G

Note: Any other combination of uses, including three or more uses in a project area, is assigned to Category F.

- (2) Depending upon the category of the mixed use, as determined from the table above, the maximum density shall be calculated as follows:
- (a) Category A, Single-Family Homes and Other Residential or Transient Uses: In Category A, a single-family dwelling or summer home shall be treated as equivalent to another residential unit, tourist unit, or campsite. Maximum densities for the other residential units, tourist units, or campsites shall apply. Conversion factors set forth in Subsection 21.3.A shall be applied as appropriate.
 - (b) Category B, Multi-Family and Transient-Types of Uses, Combined: In Category B, the maximum density shall be calculated as a weighted average of the maximum densities for the combined uses, rounded to the next lowest whole number.

Example 1: A proposed project will contain equal numbers of multi-family dwellings and transient units without kitchens.

$$\text{Maximum density} = (15 + 40)/2 = 27 \text{ units/acre}$$

Example 2: A proposed project will contain 2/3 multi-family dwellings and 1/3 transient units without kitchens.

Maximum density = $(2(15) + 1(40))/3 = 23$ units/acre

- (c) Category C, Tourist Uses With and Without Kitchens: In Category C, if ten percent or more of the transient units have kitchens, the maximum density is 15 units per acre.
- (d) Category D, Single-Family Homes and Other Non-Residential and Non-Transient Uses: In Category D, the maximum residential density is one unit per project area, if residential units are otherwise allowed by the plan area statement or community plan.
- (e) Category E, Multi-Residential and Transient-Type Uses Combined with Non-Residential and Non-Transient Uses: In Category E, the maximum residential or tourist density is the maximum density for the given residential or tourist use multiplied by the ratio of the floor area of that use to the total floor area in the project area. If the other use with which the residential or tourist use is to be combined does not lend itself to a calculation of floor area (e.g., a park or golf course), the maximum residential or tourist density shall be calculated as for Category F, below. If the multi-residential use is multi-person dwellings proposed in conjunction with the public service use of schools-college and the residential use will be within the same project area as the primary campus operations of an accredited college originating in the Lake Tahoe Basin, the maximum density for the project area shall be that prescribed by the applicable plan area statement or community plan.[§]

Example 1: A proposed project will contain a commercial establishment on the ground floor and multi-family dwellings on the second floor. If both floors have equal floor area, the maximum residential density is 15/2 or 7 units per acre.

Example 2: A proposed project will contain a public service use of 3000 square feet and a multi-person dwelling of 750 square feet, for a total floor area of 3750 square feet. The maximum residential density is 25/5 or 5 persons per acre.

- (f) Category F, Mobile-Homes, Bed and Breakfast, or Recreational Sites Combined With Other Non-Residential or Non-Transient Uses; Also, More Than Two Uses Combined: In Category F, the project proponent shall designate, as part of the project application, the portion of the project area to be devoted to the residential, tourist, or developed recreational use, and the maximum density in the table in Section 21.3, or as established in an applicable plan area statement, community plan, master plan, redevelopment plan, or

[§] Amended 7/23/03

specific plan, shall be applied to that portion of the project area.

- (g) Category G, Non-Residential and Non-Transient Uses, Combined: In Category G, mixed uses are permitted if they otherwise conform with this Code and applicable plan area statements or community plans.

- 21.4.C Redevelopment: Special provisions for density calculations for redevelopment areas are set forth in Chapter 15.
- 21.4.D Subdivisions: Nothing in this chapter shall be construed to permit the subdivision of land.
- 21.5 Existing Density: The following requirements apply to density which was legally commenced and in existence as of the effective date of the Regional Plan, July 1, 1987:
 - 21.5.A Conforming Density: Existing density that complies with the limits prescribed in this chapter is conforming, and may be increased, so long as the limits in this chapter are not exceeded.
 - 21.5.B Nonconforming Density: Existing density that does not comply with the limits prescribed in this chapter is nonconforming, and may not be increased.
- 21.6 Development Rights: Development rights, as defined in Chapter 2, shall be assigned and utilized in accordance with the following provisions:
 - 21.6.A Legally Existing: Parcels legally existing on the effective date of the Regional Plan, July 1, 1987, shall be assigned a development right except as set forth below:
 - (1) Parcels which are located in Land Capability Districts 4, 5, 6, or 7, are within a community plan area, and are eligible for tourist accommodation or commercial uses, shall not have a development right.
 - (2) Parcels that contained one or more of the primary uses listed in the Section 18.3 under Residential, Tourist Accommodation, Commercial, or Public Service, on the effective date of the Regional Plan, shall not have a development right, except as otherwise provided in Subsection 21.6.D.

- (3) Parcels that contained one or more of the primary uses listed in Section 18.3 under Recreation, on the effective date of the Regional Plan, shall not have a development right, except that parcels with only dispersed outdoor recreation as a primary use shall have a development right.
- (4) Parcels that contain one or more of the following uses in Section 18.3 under Resource Management, on the effective date of the Regional Plan, shall not have a development right:
 - (a) Tree farms;
 - (b) Farm/ranch accessory structure;
 - (c) Grazing;
 - (d) Range pasture, management;
 - (e) Range improvement; or
 - (f) Open space.
- (5) Littoral parcels that contain one or more of the primary uses listed in Section 51.2, on the effective date of the Regional Plan, shall not have a development right, except that parcel with the primary use of dispersed water-oriented outdoor recreation, salvage operations, or safety and navigation facilities shall have a development right.
- (6) Parcels which are burdened by an easement or other restriction incompatible with a residential use;
- (7) Parcels which were created as a result of an eminent domain or similar government action or are otherwise remnants of a prior transaction, and which do not contain sufficient area to construct a single-family residence; and
- (8) Parcels which were created for the purpose of public service uses or easements, including, but not limited to, public utilities and public recreation.

21.6.B Transfer of Development Rights: Transfer of development rights shall comply with the density limitations set forth in this chapter and the transfer provisions set forth in Chapter 34.

21.6.C Construction of Residential Unit: A development right or multi-residential bonus unit shall be required for each additional residential unit approved in accordance with Chapter 33.

21.6.D Parcels Containing a Residential Unit Destroyed by Calamity: A parcel containing a residential unit on the effective date of the Regional Plan, which unit is destroyed or damaged by fire or other similar calamity, shall have a development right.

