

Town of Carbondale

17.44.010 Incentives for affordable housing projects.

A. Definitions. As used in this section, certain terms are defined as follows:

1. “Affordable housing” means residential units with the number of bedrooms and maximum purchase price as set forth below:
 - a. One bedroom unit-maximum purchase price ninety thousand three hundred eighty-seven dollars;
 - b. Two or three bedroom unit-maximum purchase price one hundred fifty thousand six hundred forty-five dollars.
2. “Qualified developer” means any person/entity who is constructing new residential housing within the town which meets the definition of “affordable housing” and who is contractually bound, through financing arrangements approved by the town or otherwise pursuant to any annexation agreement, subdivision improvements agreement, or development agreement, to provide restricted resale prices or establish an appreciation cap by deed restriction acceptable to the town for affordable housing units for a period of at least fifty years.

B. Exemption from Fees. Qualified developers of affordable housing shall be eligible for exemption from a portion of the following fees to the extent these fees would otherwise be applied to the developer based on the scale of the percentage of *fee* exemption set forth below. The fees eligible for partial exemption are:

1. Land use application *fee* required under Section 1.30.010;
2. Professional fees required under Section 1.30.030;
3. Special study/added *fee* required under Section 1.30.040;
4. Building permit and plan check fees required under the provisions of Title 15;
5. The park development *fee* and park dedication *fee* as set forth in Chapter 17.24.

The percentage of the *fee* exemption based on the purchase price of affordable housing units is set forth below:

1. One bedroom unit with a purchase price up to ninety thousand three hundred eighty-seven dollars is eligible for an exemption of one hundred percent of fees;
2. Two bedroom unit with a purchase price up to one hundred twenty thousand five hundred sixteen dollars is eligible for an exemption of eighty percent of fees;

3. Two or three bedroom unit with a purchase price in excess of one hundred twenty thousand five hundred sixteen dollars but not more than one hundred fifty thousand six hundred forty-five dollars is eligible for an exemption of sixty percent of fees.

C. Application for Exemptions-Contract Required.

1. A qualified developer may request exemption from any or all of the fees set forth in subsection B by submitting written application to the town in conjunction with an application for annexation, development, subdivision or condominium review for the project. The developer shall submit written proof of eligibility demonstrating to the satisfaction of the town that the developer and the development meet the requirements of this section.

2. Final determination of eligibility shall be made by the board of trustees. If deemed eligible, the qualified developer and the town shall enter into a contract with a term of at least fifty years guaranteeing that the development shall remain as affordable housing in consideration for the exemption granted by the town.

3. In the case of developments in which some, but not all, of the residential units are proposed as affordable housing, the town shall prorate the exemption provided herein based upon the units of the development devoted to affordable housing.

E. Compliance with Other Code Requirements. Any exemption granted by the town pursuant to this section shall not be construed to excuse the developer from the performance of any other duty or obligation as required by this code. Except as specifically provided in this section, affordable housing projects shall comply with all provisions of this code.

F. Exemption from Additional Fees. In addition to partial exemption of fees as set forth above, in the event a qualified developer can construct affordable housing units which meet the low to moderate income guidelines for Garfield County as established from time to time and published in the latest edition of the U.S. Department of Housing and Urban Development, Community Development Block Grant Program Guidelines, and which utilize governmental subsidies from governmental entities other than the town, the board of trustees of the town may, at its discretion, grant *fee waivers* in addition to those provided for above. Developers are encouraged to provide a mix of housing sizes and types to meet the criteria set forth in this subsection.

G. Notwithstanding any of the provisions of this chapter to the contrary, if the board of trustees determines, in its discretion, that it is not in the best interest of the town due to financial considerations to grant *fee* exemptions as provided herein, the board of trustees may, by ordinance, decline to grant any *fee* exemptions for a particular project or for a particular period of time. (Ord. 24-1999).