

application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

Example: If an approval allows four (4) units to be constructed on a site that was zoned for two (2) units, the fees could equal one and a half percent (1.5%) of the equalized assessed value on the first two units; and six percent (6%) of the equalized assessed value for the two (2) additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

- B. Eligible exactions, ineligible exactions and exemptions for residential development.
- (1) Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.
 - (2) Developments that have received preliminary or final site plan approval prior to the date of the first adoption of the Berlin municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.
 - (3) Owner-occupied residential structures demolished and replaced as a result of fire, flood, or natural disaster shall be exempt from paying a development fee.

§ 193-21. Non-residential Development fees

- A. Imposed fees. Pursuant to P.L. 2009, c. 90 and P.L. 2011, c. 122, the collection of a development fee on non-residential construction is suspended for all non-residential projects that received preliminary or final site plan approval after July 17, 2008 until July 1, 2013, provided that a permit for the construction of the building has been issued prior to January 1, 2015. All other non-residential development not meeting the exemption criteria shall pay a development fee as required herein.
- (1) Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to two-and-one-half percent (2.5%) of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.