

## Section 5.2 – Planned Unit Development (PUD)

### 5.2.1 Authority

This Section is enacted pursuant to RSA 674:21, Innovative Land Use Controls, which provides statutory authority for the Town of Londonderry to adopt and administer a Planned Unit Development (PUD) ordinance.

### 5.2.2 Purpose & Objectives

A. A Planned Unit Development (PUD) allows a landowner to propose a development project with flexibility from the standard land use regulations that would otherwise apply to the property. A PUD Master Plan functions similarly to a special zoning designation for a specific tract of land, establishing permitted uses, dimensional requirements, and development standards. (Note: In this ordinance, all references to a “Master Plan” mean the PUD Master Plan, unless specifically stated as the Town of Londonderry Master Plan.)

B. The purpose of this ordinance is to encourage innovative, high-quality development that provides a balanced mix of housing types, preserves open space and environmental resources, and promotes efficient land use and infrastructure investment. The PUD process is intended to:

1. Foster creative design that enhances community character and livability.
2. Support housing opportunities that meet the needs of a diverse population.
3. Ensure coordinated development that integrates with the Town’s long-range planning goals.
4. Provide flexibility from conventional zoning standards where such flexibility results in a higher-quality, more sustainable outcome.

PUDs are intended to offer flexibility from conventional zoning standards only when such flexibility yields higher-quality, sustainable land use, and measurable community benefit, and where the development demonstrates clear consistency with Londonderry’s Comprehensive Master Plan.

C. The objectives of this Planned Unit Development ordinance are as follows:

1. **Housing Diversity.** To encourage a variety of housing types, including single-family, multi-family, affordable, and workforce housing, in accordance with state law and the Town’s Comprehensive Master Plan.
2. **Mixed-Use Development.** To provide opportunities for the integration of residential, commercial, civic, and recreational uses in cohesive, walkable neighborhoods.
3. **Sustainable Land Use.** To promote compact development patterns that make efficient use of land and infrastructure, minimize sprawl, and preserve open space, agricultural land, natural resources, and environmentally sensitive areas.

4. **Quality and Transparency.** To establish clear, predictable, and measurable development standards, and to ensure transparency and accountability in the review process through meaningful public participation.
5. **Economic Vitality.** To support the Town’s long-term fiscal stability by encouraging development patterns that broaden the tax base, foster local business opportunities, and contribute to sustainable economic growth.

### 5.2.3 Definitions

**Planned Unit Development (PUD):** A form of development, generally under unified ownership or control, that permits flexibility in the application of conventional zoning and subdivision standards in order to encourage innovative design, a mix of land uses, efficient infrastructure, and the preservation of open space, consistent with the purposes and objectives of this ordinance.

**Density Bonus:** An allowance for additional dwelling units or floor area above the maximum otherwise permitted by the underlying zoning district, granted by the Planning Board upon a finding that the development provides specified community benefits, such as affordable housing, enhanced open space, environmental protection, or community amenities.

**Open Space:** Land within a PUD that is permanently set aside and legally protected for conservation, recreation, agriculture, or similar purposes. Open space shall not be occupied by residential, commercial, or industrial structures, but may include accessory facilities for recreation, stormwater management, or utilities that are compatible with the open space purpose.

**Public Amenities / Public Infrastructure Improvements:** Facilities, improvements, or investments provided as part of a Planned Unit Development that are accessible to and benefit the general public, and that exceed what would otherwise be required under conventional zoning or site plan regulations. Public amenities and infrastructure improvements may be on-site or off-site, provided there is a clear and direct relationship to the impacts of the development.

**Community Benefit:** A measurable, tangible improvement or contribution provided as part of a Planned Unit Development that serves the public interest, addresses impacts created by the development, and provides value beyond what would otherwise be required under conventional zoning, site plan, or subdivision regulations.

### 5.2.4 Administration and Review Process

The process for reviewing and administering a Planned Unit Development (PUD) shall be as follows:

#### A. Pre-Application Consultation.

1. Due to the complexity of PUDs, applicants are strongly encouraged to meet with the Planning & Economic Development Department staff prior to preparing a formal

application to discuss the concept, applicable regulations, and submission requirements.

2. Applicants are further required to hold a conceptual consultation with the Planning Board in accordance with RSA 676:4, II(a), to receive non-binding feedback on the general concept, density, mix of uses, and consistency with Town objectives.
3. The Planning Board may also request that the applicant hold an informational community input session to solicit early feedback from residents and abutters prior to submitting a formal application.

**B. Formal Application.**

1. A PUD application (referred to as the PUD Master Plan) and checklist shall be submitted in accordance with the requirements of this ordinance and the Planning Board's regulations.
2. The PUD Master Plan shall include proposed land uses, density, circulation, open space, utilities, phasing (including the sequencing of residential and non-residential development), and any requested modifications or waivers from zoning, site plan, or subdivision standards.

**C. Public Hearing and Completeness Review.**

1. The Planning Board shall hold at least one public hearing on the PUD Master Plan, properly noticed in accordance with RSA 676:4.
2. At the public hearing, the Board shall determine whether the application is complete. Upon a finding of completeness, the statutory review period under RSA 676:4 shall begin.

**D. Planning Board Review and Action.**

1. The Planning Board may conduct **work sessions or additional hearings** as necessary to evaluate the proposal, including referral to third-party peer review for technical matters (traffic, fiscal, utilities, environmental impacts, etc.).
2. The Planning Board shall approve, approve with conditions, or deny the PUD Master Plan within statutory deadlines.
3. In rendering its decision, the Planning Board shall make specific written findings regarding:
  - a. Consistency with the purpose and objectives of this ordinance;
  - b. Compliance with the Town's Master Plan;
  - c. Adequacy of open space, infrastructure, and environmental protections; and
  - d. Justification for any modifications or waivers granted including documentation of any substantial community benefit relied upon to approve flexibility or density bonuses.

**E. Appeals.**

Any appeal of a Planning Board decision on a PUD application shall proceed in accordance with RSA 677:15.

**F. Recordation.**

1. The Planning & Economic Development Department shall maintain a permanent record of all approved PUD Master Plans.
2. Each approved PUD shall be identified on the Official Zoning Map as an overlay, labeled sequentially as PUD-1, PUD-2, etc.

#### **G. Subsequent Approvals.**

1. Following approval of a PUD Master Plan, the applicant shall submit **site plan and/or subdivision applications** for specific phases or components of the project.
2. In the event of a conflict between the approved Master Plan and the Subdivision or Site Plan Regulations, the terms of the approved Master Plan shall control.

#### **H. Compliance and Expiration.**

1. All development shall be consistent with the approved Master Plan as determined by the Planning Board.
2. The PUD Master Plan shall include a phasing plan that clearly identifies the sequence of residential and non-residential development. Unless otherwise approved by the Planning Board based on specific findings, a substantial portion of the approved commercial component shall reach “active and substantial development” prior to commencement of stand-alone commercial development that is not clearly neighborhood-serving or integral to the initial residential phases.
3. For purposes of this Section, “active and substantial development” shall have the meaning established in the Londonderry Site Plan Regulations (currently defined to include, at a minimum:
  - i. Construction and/or installation of basic infrastructure to support the development, including foundation walls and footings for proposed buildings; roadways, accessways, and parking lots to at least a gravel base; and utilities placed in underground conduit ready for connection to proposed buildings/structures;
  - ii. Construction and completion of drainage improvements to service the development, including detention/retention basins, treatment swales, pipes, underdrains, catch basins, and related improvements;
  - iii. Installation and maintenance of all erosion control measures specified on the approved plans; and
  - iv. Review and approval of items i-iii by the Department of Public Works and Engineering or its designee), consistent with RSA 674:39.
4. If active and substantial development has not begun within **two (2) years** of approval, or within another timeframe specified in the approval, the PUD approval shall expire and the underlying zoning shall control.
5. Extensions may be granted by the Planning Board for good cause shown.

#### **I. Amendments and Extinguishment.**

1. Amendments to an approved PUD shall follow the same review and hearing process as the original approval.

2. A landowner may extinguish a PUD by notifying the Planning Board in writing of the intent not to develop under the approved PUD.

### 5.2.5 PUD Master Plan

- A. In preparing a Planned Unit Development (PUD) Master Plan, applicants may request flexibility from certain dimensional and design standards otherwise required by the Zoning Ordinance, Site Plan Regulations, and Subdivision Regulations, pursuant to the Town's authority under RSA 674:21 (Innovative Land Use Controls). Such flexibility may include, but is not limited to, permitted land uses, density, setbacks, buffers, building height, lot size and dimensions, parking, and other site design elements. Flexibility shall only be granted where the proposed plan demonstrates compliance with the purposes and objectives of this ordinance and results in equal or greater community benefit than would be achieved under conventional development standards.
- B. The PUD Master Plan shall consist of all documents, plans, and materials submitted by the applicant that collectively describe the proposed development. At minimum, submissions shall include those items outlined in the *PUD Master Plan Submission Checklist* adopted by the Planning Board, which includes but is not limited to:
  1. A land use plan, including maps and drawings.
  2. A land use summary table identifying acreage, proposed uses, densities, and development standards.
  3. A completed PUD application form.
  4. A written narrative describing the overall development concept, consistency with the Town's Master Plan, and justification for requested flexibility and any proposed density bonuses, including demonstration of substantial community benefit where applicable.
  5. Architectural, landscape, and site design guidelines, where applicable.
  6. A proposed phasing plan, including the timing of infrastructure and public amenities.
  7. Any additional development guidelines, conditions, or requirements imposed or accepted by the Planning Board as part of its approval.
- C. The land use plan shall clearly delineate one or more land use areas within the PUD. For each area, the accompanying land use summary shall specify approximate acreage, proposed uses, density, and any special development standards applicable to that area.

#### **D. PUD Master Plan Submission Checklist.**

The Planning Board shall adopt and maintain a *PUD Master Plan Submission Checklist* that sets forth the detailed submittal requirements for PUD applications. The checklist shall include, at a minimum, the items specified in subsection B above and may be updated periodically by the Planning Board to reflect changes in best practices, state law, or local needs. Use of the checklist shall be mandatory for all applicants, and no application shall be deemed complete until the requirements of the checklist are satisfied to the satisfaction of the Planning Board.

### 5.2.6 Basic Eligibility Requirements

The following criteria shall apply to all Planned Unit Developments (PUDs):

**A. Location.**

PUDs may be proposed in any zoning district, subject to the purposes and objectives of this ordinance, provided they comply with the review standards set forth herein.

**B. Tract Size.**

The minimum tract size for a Planned Unit Development (PUD) shall be one hundred (100) contiguous acres. Parcels separated by a road, right-of-way, utility corridor, waterway, or similar feature shall be considered contiguous unless the Planning Board determines the separation prevents the tract from functioning as a unified PUD.

Previously developed land may be included within a PUD only where the PUD Master Plan proposes substantial redevelopment that improves aesthetics, architectural design, connectivity, and overall site integration, resulting in a cohesive and unified development consistent with the purposes of this ordinance.

**C. Ownership.**

A PUD shall be under unified ownership at the time of application or, where multiple ownership exists, subject to a binding development agreement requiring all owners to comply with the approved PUD Master Plan. Following approval, parcels may be subdivided or transferred, provided the overall PUD remains consistent with the approved master plan.

**D. Utilities.**

All PUDs shall be served by public water and public sewer systems. Service shall be determined to be reasonably consistent with the Town's Sewer Facilities Master Plan, as determined by the Planning Board.

### 5.2.7 Permitted Uses

#### A. General Rule.

Uses permitted within a PUD shall be those specifically approved by the Planning Board as part of the PUD Master Plan. No use shall be permitted unless expressly authorized through the master plan approval process.

#### B. Eligible Uses.

1. Any use listed as permitted, special exception, or conditional use in the underlying zoning district may be proposed within a PUD.
2. In addition, mixed uses — including residential, commercial, civic, and recreational uses — may be combined within a PUD where consistent with the purposes of this ordinance and the Town's Master Plan.

#### C. Prohibited Uses.

1. Uses prohibited in the underlying zoning district remain prohibited in a PUD, unless specifically authorized as part of the PUD ordinance.
2. Residential uses shall not be permitted within a PUD located in the Gateway Business District.

#### D. Planning Board Discretion.

The Planning Board may approve, conditionally approve, or deny proposed uses based on consistency with the objectives of this ordinance, the Town's Master Plan, and the design standards set forth in Section 5.2.

### 5.2.8 Standards of Development

The following standards shall apply to all Planned Unit Developments (PUDs):

#### A. Parking and Loading.

1. Off-street parking and loading shall generally comply with Section 3.09 of the Site Plan Regulations for each proposed use.
2. The Planning Board may approve shared parking, reduced ratios, or other flexible arrangements where supported by a parking analysis, provided such waivers remain consistent with the design, purposes, and objectives of the PUD.

#### B. Building Height.

1. Except for non-occupiable structures (e.g., chimneys, water towers, steeples), no building shall exceed 50 feet in height unless otherwise authorized by the Planning Board through the Master Plan process.

2. All structures shall also comply with Federal Aviation Administration (FAA) requirements and the limitations of the Airport Approach Height Overlay (Section 3.7.4).

**C. Residential Density.**

1. The maximum residential density for a PUD shall be six (6) dwelling units per gross acre, except where density bonuses are approved in accordance with Section 5.2.7.C.3 (Density Bonuses). The Planning Board may grant such bonuses where the applicant demonstrates provision of significant community benefits, as defined in the density bonus table. In no case shall the total density exceed 25% above the baseline density. In reviewing proposed densities, the Planning Board shall evaluate:
  - a. The amount of buildable land (exclusive of wetlands, steep slopes, and other constrained areas).
  - b. The adequacy of public water and sewer to serve the proposed development.
  - c. Compatibility of the proposed residential density with adjoining land uses and the Town's Comprehensive Master Plan.
2. Non-residential uses may be located in a flexible pattern provided they are compatible with residential components and contribute to the overall design and objectives of the PUD.
3. Density Bonus Framework for PUDs
  - a. Baseline Density: Maximum of 6 dwelling units per gross acre (unless otherwise specified in the underlying zoning).
  - b. Eligible Density Bonuses:

The Planning Board may grant additional density, up to a maximum of 25% above baseline, where the applicant demonstrates substantial community benefit in one or more of the following categories:

<b>Community Benefit</b>	<b>Bonus Allowed</b>	<b>Criteria / Standards</b>
<b>Affordable</b>	+10–15%	At least 15% of total units deed-restricted for households earning ≤80% AMI; minimum 30-year affordability period.
<b>Open Space &amp; Environmental Protection</b>	+5–10%	Preservation of ≥50% of tract as permanent open space, with enhanced protection of wetlands, floodplains, or wildlife corridors beyond ordinance minimum.
<b>Sustainability / Green Building</b>	+5%	Certification under LEED, Passive House, or equivalent green building program; significant stormwater management improvements.
<b>Mixed-Use Integration</b>	+5–10%	Inclusion of commercial, civic, or institutional uses that create a walkable, integrated environment consistent with the Master Plan.

**Cap on Density Increases:**

No PUD shall exceed 25% above baseline density (i.e., maximum of 7.5 dwelling units per acre where baseline is 6 du/acre), unless specifically authorized by the Planning Board after public hearing.

**D. Compliance with Other Regulations.**

1. Unless waived or modified as part of the PUD Master Plan approval, all PUDs shall comply with applicable provisions of the Zoning Ordinance, Site Plan Regulations, and Subdivision Regulations.
2. All PUDs must comply with applicable local, state, and federal requirements relating to public health and safety, building codes, stormwater, and environmental protection. These requirements shall not be waived.

**E. Setbacks and Buffers.**

1. All roads and principal structures shall be set back a minimum of fifty (50) feet from the external boundaries of a PUD tract where it abuts existing residential uses, unless a reduced setback is approved by the Planning Board to facilitate access or integration of compatible uses.
2. Landscaping, open space, and screening shall be used to provide a reasonable buffer between the PUD and adjoining properties, except where adjoining uses are compatible or integration is desirable.

**F. Covenants, Restrictions, and Easements.**

1. Any proposed covenants, restrictions, or easements shall be reviewed and approved by the Planning Board prior to recording.
2. All such documents shall provide for enforcement by the Town, at its option and at the developer’s expense, under appropriate circumstances.

3. Covenants, restrictions, and easements shall be recorded with the Rockingham County Registry of Deeds.

G. G. Phasing and Substantial Completion.

1. The PUD Master Plan shall identify phases, including the timing and triggers for residential, commercial, civic, and infrastructure components.
2. The Planning Board may require, as a condition of approval, that certain public infrastructure and/or a defined portion of the commercial component reach active and substantial development or substantial completion (as defined in the Site Plan Regulations and applied under RSA 674:39) before commencement of specified non-residential phases, to ensure that infrastructure and community benefit keep pace with development.

### 5.2.9 Planning Board Review Criteria

The following criteria shall guide the Planning Board in determining appropriate land uses, densities, and development standards for any PUD. Final determination of whether a proposal meets the purposes and objectives of this ordinance rests with the Planning Board in its reasonable discretion.

#### A. General Considerations.

In reviewing a PUD application, the Planning Board shall consider:

1. Compliance with the provisions of the Londonderry Zoning Ordinance, Site Plan Regulations, Subdivision Regulations, and all applicable state and federal laws, unless such provisions are expressly waived or modified through PUD approval.
2. Consistency with the Londonderry Master Plan and related plans or studies formally adopted by the Town.
3. Conformance with the purposes and objectives of this Section.
4. Adequacy of public infrastructure and services to accommodate the proposed development, including water, sewer, roads, drainage, emergency services, and schools.
5. Fiscal and economic impacts of the PUD on the Town, including both municipal revenues and costs of services.
6. The extent to which the proposal provides substantial community benefit, including but not limited to public infrastructure, amenities, and housing that would not reasonably be expected under conventional development.

#### B. Specific Objectives.

Every PUD shall incorporate a combination of the following elements, which distinguish it from conventional zoning and justify departures from otherwise applicable standards:

1. Harmonious Mix of Uses. A PUD shall provide a compatible and integrated mix of residential, commercial, civic, and/or recreational uses, designed in a manner that:
  - a. Creates walkable, connected neighborhoods or districts;

- b. Provides daily services, amenities, or employment opportunities in proximity to housing;
  - c. Ensures transitions in building scale, intensity, and design to minimize conflicts between differing land uses;
  - d. Balances private development with public spaces and community benefits; and
  - e. Supports the goals of the Londonderry Master Plan for mixed-use centers and sustainable growth.
2. High-quality architectural and site design, with placement of structures that respects natural topography, soils, vegetation, slopes, and drainage patterns.
  3. Preservation of meaningful open space and natural resources, including wetlands, wildlife corridors, agricultural land, and scenic viewsheds.
  4. Protection of cultural and historic resources, including stone walls, farmsteads, and archaeological features.
  5. Provision of active and passive recreational opportunities integrated into the development.
  6. Attractive and functional landscaping, pedestrian amenities, and integration of sidewalks, bikeways, and multi-use paths.
  7. Transportation improvements, including traffic mitigation, traffic calming, or transportation demand management measures to reduce reliance on single-occupancy vehicles.
  8. Design strategies that minimize the visual impact of parking, such as rear-lot placement, structured parking, or significant landscaping and screening.
  9. Incorporation of sustainable development practices, including energy efficiency, renewable energy systems, low-impact stormwater management, and green building design.
  10. Provision of additional community benefits, such as civic space, childcare facilities, community centers, or other amenities accessible to the public.
  11. Demonstrated substantial community benefit in the provision of public infrastructure and amenities, including but not limited to civic space, trails, transit facilities, or off-site infrastructure improvements that provide a clear, quantifiable benefit to the community beyond that required solely to serve the development.

#### 5.2.10 Submission Requirements

**A. General.**

An application for a Planned Unit Development shall include a complete PUD Master Plan Submission Package, prepared in accordance with the requirements of this Section and the PUD Master Plan Checklist maintained by the Community Development Department. The format, number, and method of submission shall be determined by the Department.

**B. Required Materials.**

The submission package shall include, at a minimum:

1. Completed PUD application form and application fee.
2. Abutters list prepared in accordance with RSA 676:4(I)(d) and Town of Londonderry ordinances.
3. Narrative statement describing:
  - a. The purpose of the PUD;
  - b. How the proposal advances the objectives of Section 5.2;
  - c. Anticipated community benefits and community impacts.
4. Proposed PUD Master Land Use Plan, including maps, plans, and supporting schedules.
5. Development phasing schedule, bonding/security provisions, and anticipated build-out timeline.
6. Proposed covenants, restrictions, easements, and ownership/management arrangements for common areas.

**C. Required Information.**

The PUD Master Plan shall include sufficient information to enable the Planning Board to evaluate compliance with this Section and other applicable regulations. Items may be preliminary in nature but must be of sufficient detail to convey the overall concept. Required information includes:

1. **Existing Conditions**
  - a. Underlying zoning classification and zoning of adjoining lots.
  - b. Total tract acreage.
  - c. General topography, soils, wetlands, surface waters, slopes, ridgelines, cultural and historic features, and other natural resources (overview format acceptable).
2. **Proposed Development Program**
  - a. Land use plan and land use list, delineating areas by type, acreage, density, and intended use(s).
  - b. Estimated number of dwelling units and overall density, with reference to density bonus provisions (if applicable).
  - c. Location, type, and scale of proposed non-residential uses.
  - d. Location and acreage of proposed open space and resource protection areas.
3. **Site Design and Infrastructure**
  - a. General layout of streets, sidewalks, bikeways, and multi-use paths.
  - b. Location and size of parking areas and loading facilities.
  - c. Conceptual water supply, sewer/septic, stormwater management, and utility systems.
  - d. Proposed fire protection and emergency access strategies.
  - e. Landscaping and buffering plan.

**4. Design Guidelines**

- a. Architectural standards or guidelines addressing building form, scale, and materials.
- b. Signage plan, including standards for size, placement, and design consistency.
- c. Lighting plan, if applicable.

**5. Impact Analysis**

- a. Preliminary traffic impact assessment (trip generation, distribution, and potential off-site improvements).
- b. Fiscal impact statement, including projected municipal service costs and revenues.
- c. Environmental impact summary, addressing resource areas to be preserved or mitigated.

**6. Governance and Implementation**

- a. Ownership/management structure for common areas (e.g., condominium, homeowners' association, master association).
- b. Articles of incorporation and bylaws for any association or entity responsible for ongoing management.
- c. Phasing schedule and bonding/security provisions to ensure timely completion of infrastructure and amenities.

**D. Additional Information.**

The Planning Board may require the submission of additional information, studies, or legal documentation reasonably necessary to evaluate the design, operation, or maintenance of the proposed PUD.

**5.2.11 Interpretation and Application**

- A. The approved PUD Master Plan shall serve as the controlling land use document for the subject tract. The Planning Board shall review subsequent site plan and subdivision applications for conformity with the approved Master Plan. In the event of a conflict, the provisions of the approved Master Plan shall govern.
- B. Elements of the Master Plan may be presented in conceptual or generalized form and refined through subsequent site plan or subdivision applications. Such elements may include lot layout, road alignment, parking configuration, utilities, landscaping, and architectural details. Modifications shall be permitted at the site plan or subdivision stage provided they remain consistent with the intent and objectives of the approved Master Plan.
- C. Where the Master Plan does not specify a particular development standard (e.g., dimensional requirement, setback, or performance standard), the applicable

provisions of the Zoning Ordinance, Site Plan Regulations, or Subdivision Regulations shall apply, as determined by the Planning Board.

#### 5.2.12 Fees

- A. Application fees for PUDs shall be established by the Town Council as part of the Town's official Land Use Fee Schedule.
- B. In addition to application fees, applicants shall be responsible for costs of abutter notification, legal notices, and any third-party technical review, consistent with the Town's Subdivision and Site Plan Regulations.

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