The Alphabet Soup of Development -

TOD
Transit **O**riented **D**evelopment

Transit-Oriented Development is dense, mixed-use, deliberately planned development that maximizes transit usage, walking, and bicycling. For state and local governments in Maryland, "TOD" typically means development within a half-mile of a transit station or adjacent to a transit corridor. TOD leverages sustainable growth strategies to encourage economic development, reduce sprawl, and maximize return on transit investment. (State of Maryland definition)

Established in 2008, the State of Maryland TOD designation program provides state recognition and support for local governments who are planning for and advancing TOD at local transit stations

Over the past couple years, MDOT (Maryland Department of Transportation) has worked in partnership with the State of Maryland's Sustainable Growth Subcabinet (SGSC) to improve the program through a new application process and new incentives such as MDOT's TOD Capital Grant and Revolving Loan Fund.

From the perspective of Baltimore County, there is a policy and procedure for applying for a TOD designation which starts the process. It sets out an application checklist, a five step process, the would result in the Department of Planning, following consultation
with other agencies, to submit a recommendation to the County Executive regarding the request for the TOD designation.

The annual Consolidated Transportation Program Priority Letter is generally sent in April after the state legislative session ends by the County Executive.

There is no requirement for a TOD Resolution to be approved by the County Council. The only other TOD Resolution approved by the Council was for the Martin State Airport MARC Station and its surrounding vicinity as a designated TOD site in 2020.

PUD
Planned **U**nit **D**evelopment

• 1970: Baltimore County adopted its initial PUD enabling regulation.The 1970 enabling regulation allowed for the development of large tracts of land as complete neighborhood units, including mixed housing types, neighborhood shopping, offstreet parking and community spaces. The PUD process functioned similarly to standard major subdivision applications.

The one we are most likely to recognize is the Mays Chapel PUD in 1972. It's success was followed by Mays Chapel North in 1982

• 1994: The Baltimore County Council adopted Bill 47-94 (Commercial Planned Unit Development or PUD-C), allowing mixed-use redevelopment in designated opportunity areas without a lengthy rezoning process.

When the County Council passed Bill 47-94 it explicitly designated all business- and manufacturing-zoned properties in the Hunt Valley/Timonium Master Plan area as a "PUD-C Opportunity Area". The intent was to spark high-quality, mixed-use redevelopments (blending retail, office, and light industrial spaces) that could prove a substantial public benefit.

Instead, developers immediately tried to force standalone "big-box megastores" into industrial pockets adjacent to residential neighborhoods, setting off community opposition. The primary battleground focused heavily on a manufacturing zoned tract at 1830 York Road.

• 2005: These experiences resulted in Baltimore County Council adopting Bill 130-05 which restructured the entire process to mandate that a PUD application must commence with the County Council member representing the district where the land sits.

In Baltimore County, a Planned Unit Development requires the developer to prove that the project achieves a higher-quality design than standard zoning and provides a concrete public benefit.

Baltimore County Code (BCC) § 32-4-242(b)(6) mandates that an applicant for a Planned Unit Development (PUD) must explicitly state how the project will provide a statutorily defined community benefit.

The specific wording and categories of benefits permitted under this section include:
• § 32-4-242(b)(6)(i) — Environmental Benefit: Proposing initiatives such as achieving at least a Silver rating under the U.S. Green Building Council's LEED Rating System or the National Green Building Standards (NGBS), preserving forest conservation easements, or protecting local open space.
• § 32-4-242(b)(6)(ii) — Land Use Benefit: Offering unique community or neighborhood enhancements that optimize land usage beyond standard zoning compliance.
• § 32-4-242(b)(6)(iii) — Capital Improvement Benefit: Making dedicated monetary contributions or land dedications for community infrastructure. Examples include funding local public school enhancements, stream restoration projects, water quality facilities, or local family shelters.
• § 32-4-242(b)(6)(iv) — Economic Development / Additional Benefits: Providing necessary employment opportunities, commercial services, or specific regional enhancements approved by the County Council to promote broader economic development.

RCA
Restricted **C**ovenant **A**greement

(Also been referred to as a MOU
Memorandum **O**f **U**nderstanding)

In the context we are dealing with, an RCA is a private agreement negotiated between a real estate developer and a neighborhood or community association, usually in connection with a proposed development, rezoning, PUD, or other land-use change.

These agreements can be important tools for communities seeking commitments from developers in exchange for not opposing a project, supporting a proposal, or agreeing to a negotiated resolution of neighborhood concerns.

These are generally private contractual arrangements. They are restrictive in that they can restrict the developer use of or development of the land AND they can restrict the communities and ability to voice concerns. Because they are private agreements they are not enforced by the County, but rather by the parties in court.

A properly drafted agreement may also bind future property owners, depending on its language, recording, and whether it satisfies Maryland requirements for enforceable covenants. When it does it is said that it “runs with the land”.