

PROPOSED

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2026, Legislative Day No. 2

Bill No. 9-26

Introduced by Ms. Fiedler

By the County Council, January 20, 2026

Introduced and first read on January 20, 2026
Public Hearing set for February 17, 2026
Bill Expires on April 25, 2026

By Order: Kaley Schultze, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Zoning – Conditional Uses – Battery Energy Storage
2 Systems
3
4 FOR the purpose of defining “battery energy storage system”; allowing “battery energy
5 storage system” as a conditional use in certain residential, commercial, industrial, and
6 mixed use districts; adding the conditional use requirements for a “battery energy
7 storage system” facility; providing for the expedited review of certain projects; and
8 generally relating to zoning.
9
10 BY renumbering: § 18-1-101(55) through (175), respectively, to be § 18-1-101(56) through
11 (176), respectively; and §§ 18-10-110 through 18-10-176, respectively, to be §§ 18-10-
12 111 through 18-10-177, respectively
13 Anne Arundel County Code (2005, as amended)
14
15 BY adding: §§ 18-1-101(55) and 18-10-110
16 Anne Arundel County Code (2005, as amended)
17
18 BY repealing and reenacting, with amendments: §§ 18-4-106; 18-5-102; 18-6-103; 18-8-
19 201(b); and 18-8-301(b)
20 Anne Arundel County Code (2005, as amended)
21
22 WHEREAS, battery energy storage systems are a type of front-of-the-meter energy
23 storage device, which is not currently permitted in any zoning district under the
24 existing Anne Arundel County Code; and

EXPLANATION: CAPITALS indicate new matter added to existing law and taglines.

[[Brackets]] indicate matter deleted from existing law and taglines.

Captions and taglines in **bold** in this bill are catchwords and are not law.

Asterisks *** indicate existing Code provisions in a list or chart that remain unchanged.

WHEREAS, battery energy storage systems provide instant backup power during energy shortages which prevents blackouts, regulate supply and demand fluctuations, stabilize costs for power, and relieves congested transmission lines; and

WHEREAS, there is a need for solutions that will stabilize the energy grid in Anne Arundel County, and battery energy storage systems contribute to grid stability; and

WHEREAS, on July 1, 2025, the State of Maryland's *Renewable Energy Certainty Act* became effective, which requires, among other matters, that local jurisdictions take certain specified actions to assist the State in meeting its solar energy commitments; and

WHEREAS, the *Renewable Energy Certainty Act* prohibits a local jurisdiction from adopting zoning laws or other laws or regulations that prohibit the construction or operation of front-of-the-meter energy storage devices such as battery energy storage systems; and

WHEREAS, facilitating efficient energy generation and storage will benefit Anne Arundel County and its citizens by minimizing expenditures for energy usage, will further the goals of the State's commitment to facilitate solar and other renewable energy sources, and will protect Anne Arundel County's natural resources by establishing conditions for the proper location and operation of such energy storage uses; now, therefore

SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
That §§ 18-1-101(55) through (175) and 18-10-130 through 18-10-176, respectively, of the
Anne Arundel County Code (2005, as amended), are hereby renumbered to be §§ 18-1-
101(56) through (176) and 18-10-111 through 18-10-177, respectively.

SECTION 2. And be it further enacted, That Section(s) of the Anne Arundel County Code (2005, as amended) read as follows:

ARTICLE 18. ZONING

TITLE 1. DEFINITIONS

18-1-101. Definitions.

Unless defined in this article, the Natural Resources Article of the State Code, or COMAR, words defined elsewhere in this Code apply in this article. The following words have the meanings indicated:

* * *

(55) "BATTERY ENERGY STORAGE SYSTEM" MEANS AN ELECTROCHEMICAL DEVICE THAT CHARGES OR COLLECTS ENERGY FROM THE GRID OR A GENERATION FACILITY AND THAT STORES THE ENERGY FOR DISCHARGE AT A LATER TIME IN ORDER TO PROVIDE ELECTRICITY OR OTHER GRID SERVICES.

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3 **TITLE 4. RESIDENTIAL DISTRICTS**

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5 **18-4-106. Permitted, conditional, and special exception uses.**

6

7 The permitted, conditional, and special exception uses allowed in each of the residential
 8 districts are listed in the chart in this section using the following key: P = permitted use; C
 9 = conditional use; SE = special exception use. A blank space means that the use is not
 10 allowed in the district. Except as provided otherwise in this article, uses and structures
 11 customarily accessory to the listed uses also are allowed, except that guest houses as
 12 accessory structures are prohibited and outside storage as an accessory use is limited to the
 13 lessor of 10% of the allowed lot coverage or 500 square feet.

14

Permitted, Conditional, and Special Exception Uses	RA	RLD	R1	R2	R5	R10	R15	R22

Assisted living facilities II, community-based	C	C	C	C	C	C	C	C
BATTERY ENERGY STORAGE SYSTEM	C							

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16

17 **TITLE 5. COMMERCIAL DISTRICTS**

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20 **18-5-102. Permitted, conditional, special exception, and business complex auxiliary uses.**

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22 The permitted, conditional, and special exception uses allowed in each of the
 23 commercial districts, and uses auxiliary to a business complex, are listed in the chart in this
 24 section using the following key: P=permitted use; C = conditional use; SE = special
 25 exception use; and A = auxiliary to a business complex use. A blank means that the use is
 26 not allowed in the district. Except as provided otherwise in this article, uses and structures
 27 customarily accessory to permitted, conditional, and special exception uses also are
 28 allowed.

Permitted, Conditional, Special Exception, and Business Complex Auxiliary Uses	C1	C2	C3	C4

Barbershops	P	A	P	P
BATTERY ENERGY STORAGE SYSTEM	C	C	C	C

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32 **TITLE 6. INDUSTRIAL DISTRICTS**

33

34 **18-6-103. Permitted, conditional, and special exception uses.**

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36 The permitted, conditional, and special exception uses allowed in each of the industrial
 37 districts are listed in the chart in this section using the following key: P = permitted use; C
 38 = conditional use; SE = special exception use; and A = auxiliary use to a business complex

1 use. A blank means that the use is not allowed in the district. Except as provided otherwise
 2 in this article, uses and structures customarily accessory to permitted, conditional, and
 3 special exception uses also are allowed, except that outside storage as an accessory use in
 4 W1 is limited to 15% of the allowed lot coverage.

Permitted, Conditional, and Special Exception Uses	W1	W2	W3

Barbershops	A	A	
BATTERY ENERGY STORAGE SYSTEM	C	C	C

TITLE 8. MIXED USE DISTRICTS

18-8-201. Residential, commercial, and industrial districts.

11 (b) **Commercial and industrial.** For a site that was in a commercial or industrial
 12 district immediately before being zoned to a mixed use district, the uses are only those uses
 13 allowed in the mixed use district applicable to the site, the floor area ratio may not exceed
 14 0.1, and the uses shall otherwise conform to the requirements of the zoning district in which
 15 the site was located[[.]], EXCEPT THAT THE FLOOR AREA RATIO MAY NOT APPLY TO A
 16 BATTERY ENERGY STORAGE SYSTEM ALLOWED AS A CONDITIONAL USE IN A MIXED USE
 17 DISTRICT.

18-8-301. Permitted uses; conditional uses.

21 (b) **Categories in chart.** The following chart divides the uses allowed under the
 22 optional method of development into the categories of residential, retail and service, office,
 23 light industrial, civic/institutional, and other uses, and the uses are subject to the
 24 requirements described in § 18-8-302.

Uses	MXD-V	MXD-G	MXD-N	MXD-S	MXD-U
Residential					

Assisted living facilities II, community-based	P	P	P	P	P
BATTERY ENERGY STORAGE SYSTEM	C	C	C	C	C

TITLE 10. REQUIREMENTS FOR CONDITIONAL USES

18-10-110. BATTERY ENERGY STORAGE SYSTEM.

31 (A) **REQUIREMENTS.** A BATTERY ENERGY STORAGE SYSTEM SHALL COMPLY WITH THE
 32 FOLLOWING REQUIREMENTS.

34 (1) THE FACILITY SHALL BE LOCATED WITHIN ONE MILE OF AN EXISTING
 35 SUBSTATION FACILITY.

37 (2) THE FACILITY SHALL BE LOCATED AT LEAST TWO AND A HALF MILES FROM THE
 38 CRITICAL AREA.

(3) VEHICULAR ACCESS FOR THE FACILITY SHALL BE:

(I) FROM A PRINCIPAL ARTERIAL ROAD AND WITHIN TWO AND A HALF MILES OF A FREEWAY; OR

(II) FROM A FREEWAY.

(4) THE FACILITY SHALL BE SURROUNDED BY NON-BARBED WIRE FENCING AT LEAST EIGHT FEET HIGH.

(5) A FACILITY LOCATED ON PROPERTY IN A RESIDENTIAL OR MIXED USE ZONING DISTRICT:

(I) SHALL BE SURROUNDED BY A NON-BARBED WIRE FENCE THAT IS NOT MORE THAN 20 FEET HIGH;

(II) MAY USE BARBED WIRE FENCING AROUND SUBSTATIONS OR OTHER CRITICAL INFRASTRUCTURE FOR PROTECTION; AND

(III) ANY LANDSCAPING BUFFER OR VEGETATIVE SCREENING REQUIRED BY THE OFFICE OF PLANNING AND ZONING SHALL BE NO MORE THAN 25 FEET IN DEPTH AND SHALL PROVIDE FOR FOUR-SEASON VISUAL SCREENING OF THE FACILITY.

(6) ESTABLISHMENT AND OPERATION OF THE FACILITY:

(I) SHALL MINIMIZE GRADING TO THE MAXIMUM EXTENT POSSIBLE;

(II) MAY NOT REMOVE TOPSOIL FROM THE LOT OR PARCEL BUT MAY MOVE OR TEMPORARILY STOCKPILE TOPSOIL FOR GRADING; AND

(III) MAY NOT USE HERBICIDES EXCEPT TO CONTROL INVASIVE SPECIES, WHICH SHALL BE IN COMPLIANCE WITH ARTICLE 13, TITLE 6 OF THIS CODE.

(7) THE FACILITY SHALL COMPLY WITH THE LATEST PUBLISHED VERSIONS OF NFPA 855, "STANDARD FOR INSTALLATION OF STATIONARY ENERGY STORAGE SYSTEMS", AND NFPA 70. IF A PROVISION IN THIS CODE CONFLICTS WITH THE LATEST PUBLISHED VERSION OF NFPA 855 OR NFPA 70, THE LATEST PUBLISHED VERSIONS OF NFPA 855 AND NFPA 70 SHALL CONTROL.

(8) THE DEVELOPER OF A FACILITY SHALL:

(I) UNDERGO SITE DEVELOPMENT REVIEW IN ACCORDANCE WITH ARTICLE 17, TITLE 4 OF THIS CODE IN ORDER TO ENSURE ALL THE CONDITIONS HEREIN ARE SATISFIED AND OBTAIN A BUILDING PERMIT;

(II) FILE WITH THE APPLICATION FOR A BUILDING PERMIT, AN EMERGENCY RESPONSE PLAN AND A PLAN FOR OFFERING SITE-SPECIFIC TRAINING TO COUNTY FIRE SERVICE AND EMERGENCY PERSONNEL PRIOR TO COMMENCING OPERATION; AND

(III) PRIOR TO THE ISSUANCE OF A BUILDING PERMIT, CONDUCT A HAZARD MITIGATION ANALYSIS AS SPECIFIED BY NFPA 855.

(B) EXPEDITED REVIEW FOR CERTAIN PROJECTS. THE OFFICE OF PLANNING AND ZONING SHALL EXPEDITE THE REVIEW AND APPROVAL OF SITE DEVELOPMENT PLANS AND PERMITS FOR A FACILITY THAT MEETS ALL OF THE REQUIREMENTS OF THIS SECTION.

SECTION 3. *And be it further enacted*, That this Ordinance shall take effect 45 days from the date it becomes law.