

PROPOSED

AMENDED
February 17, 2026
March 2, 2026
April 6, 2026

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2026, Legislative Day No. 2

Bill No. 9-26

Introduced by Ms. Fiedler, Ms. Hummer, Ms. Pickard, Mr. Smith, and Ms. Rodvien

By the County Council, January 20, 2026

Introduced and first read on January 20, 2026
Public Hearing set for and held on February 17, 2026
Public Hearing on AMENDED bill set for and held on March 2, 2026
Public Hearing on AMENDED bill set for and held on March 19, 2026
Motioned to defer vote until and amended on April 6, 2026
Public Hearing on AMENDED bill set for April 20, 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, front-of-the-meter”; allowing
5 “battery energy storage system, front-of-the-meter” as a conditional use in certain
6 ~~residential~~, commercial, industrial, and mixed use districts; adding the conditional use
7 requirements for a “battery energy storage system, front-of-the-meter” facility;
8 ~~providing for the expedited review of certain projects~~ allowing “battery energy storage
9 system, front-of-the-meter” as a special exception use in certain residential districts;
10 adding the special exception use requirements for a “battery energy storage system,
11 front-of-the-meter”; establishing that applicable State law and the County’s adopted
12 version of NFPA 855 and NFPA 70 control in the event of a conflict; and generally
13 relating to zoning.
14

15 BY renumbering: § 18-1-101(55) through (175), respectively, to be § 18-1-101(56) through
16 (176), respectively; ~~and~~ §§ 18-10-110 through 18-10-176, respectively, to be §§ 18-10-
17 111 through 18-10-177, respectively; ~~and~~ §§ 18-11-108 through 18-11-165,
18 respectively, to be §§ 18-11-109 through 18-11-166, respectively
19 Anne Arundel County Code (2005, as amended)

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.
Underlining indicates matter added to bill by amendment.
~~Strikeover~~ indicates matter removed from bill by amendment.

1 BY adding: §§ 18-1-101(55); ~~and 18-10-110; and 18-11-108~~
2 Anne Arundel County Code (2005, as amended)

3
4 BY repealing and reenacting, with amendments: §§ ~~18-4-106; 18-4-106;~~ 18-5-102;
5 18-6-103; 18-8-201(b); and 18-8-301(b)
6 Anne Arundel County Code (2005, as amended)

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8 WHEREAS, battery energy storage systems are a type of front-of-the-meter energy
9 storage device, which is not currently permitted in any zoning district under the
10 existing Anne Arundel County Code; and

11
12 WHEREAS, battery energy storage systems provide instant backup power during
13 energy shortages which prevents blackouts, regulate supply and demand
14 fluctuations, stabilize costs for power, and relieves congested transmission lines;
15 and

16
17 WHEREAS, there is a need for solutions that will stabilize the energy grid in Anne
18 Arundel County, and battery energy storage systems contribute to grid stability; and

19
20 WHEREAS, on July 1, 2025, the State of Maryland's *Renewable Energy Certainty*
21 *Act* became effective, which requires, among other matters, that local jurisdictions
22 take certain specified actions to assist the State in meeting its solar energy
23 commitments; and

24
25 WHEREAS, the *Renewable Energy Certainty Act* prohibits a local jurisdiction from
26 adopting zoning laws or other laws or regulations that prohibit the construction or
27 operation of front-of-the-meter energy storage devices such as battery energy
28 storage systems; and

29
30 WHEREAS, facilitating efficient energy generation and storage will benefit Anne
31 Arundel County and its citizens by minimizing expenditures for energy usage, will
32 further the goals of the State's commitment to facilitate solar and other renewable
33 energy sources, and will protect Anne Arundel County's natural resources by
34 establishing conditions for the proper location and operation of such energy storage
35 uses; now, therefore

36
37 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
38 *That §§ 18-1-101(55) through (175); ~~and 18-10-130 through 18-10-176; and 18-11-108~~*
39 *through 18-11-165, respectively, of the Anne Arundel County Code (2005, as amended),*
40 *are hereby renumbered to be §§ 18-1-101(56) through (176); ~~and 18-10-111 through 18-~~*
41 *10-177; ~~and 18-11-109 through 18-11-166, respectively.~~*

42
43 SECTION 2. *And be it further enacted,* That Section(s) of the Anne Arundel County
44 Code (2005, as amended) read as follows:

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46 **ARTICLE 18. ZONING**

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48 **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, FRONT-OF-THE-METER” 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. A “BATTERY ENERGY STORAGE SYSTEM, FRONT-OF-THE-METER” DOES NOT INCLUDE INFRASTRUCTURE OR EQUIPMENT OWNED OR OPERATED BY A PUBLIC UTILITY.

TITLE 4. RESIDENTIAL DISTRICTS

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

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

| Permitted, Conditional, and Special Exception Uses | RA | RLD | R1 | R2 | R5 | R10 | R15 | R22 |
|---|-----------|------------|-----------|-----------|-----------|------------|------------|------------|
| *** | | | | | | | | |
| Assisted living facilities II, community based | € | € | € | € | € | € | € | € |
| BATTERY ENERGY STORAGE SYSTEM | € | | | | | | | |
| *** | | | | | | | | |

TITLE 4. RESIDENTIAL DISTRICTS

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

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

| <u>Permitted, Conditional, and Special Exception Uses</u> | <u>RA</u> | <u>RLD</u> | <u>R1</u> | <u>R2</u> | <u>R5</u> | <u>R10</u> | <u>R15</u> | <u>R22</u> |
|---|-----------|------------|-----------|-----------|-----------|------------|------------|------------|
| *** | | | | | | | | |
| <u>Assisted living facilities II, community-based</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> |
| <u>BATTERY ENERGY STORAGE SYSTEM, FRONT-OF-THE-METER</u> | <u>SE</u> | <u>SE</u> | <u>SE</u> | <u>SE</u> | <u>SE</u> | <u>SE</u> | <u>SE</u> | <u>SE</u> |
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TITLE 5. COMMERCIAL DISTRICTS

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

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

| <u>Permitted, Conditional, Special Exception, and Business Complex Auxiliary Uses</u> | <u>C1</u> | <u>C2</u> | <u>C3</u> | <u>C4</u> |
|---|-----------|-----------|-----------|-----------|
| *** | | | | |
| <u>Barbershops</u> | <u>P</u> | <u>A</u> | <u>P</u> | <u>P</u> |
| <u>BATTERY ENERGY STORAGE SYSTEM, FRONT-OF-THE-METER</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> |
| *** | | | | |

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TITLE 6. INDUSTRIAL DISTRICTS

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

The permitted, conditional, and special exception uses allowed in each of the industrial districts are listed in the chart in this section using the following key: P = permitted use; C = conditional use; SE = special exception use; and A = auxiliary use to a business complex use. A blank means that the use is not allowed in the district. Except as provided otherwise in this article, uses and structures customarily accessory to permitted, conditional, and special exception uses also are allowed, except that outside storage as an accessory use in W1 is limited to 15% of the allowed lot coverage.

| <u>Permitted, Conditional, and Special Exception Uses</u> | <u>W1</u> | <u>W2</u> | <u>W3</u> |
|---|-----------|-----------|-----------|
| *** | | | |
| <u>Barbershops</u> | <u>A</u> | <u>A</u> | |
| <u>BATTERY ENERGY STORAGE SYSTEM, FRONT-OF-THE-METER</u> | <u>C</u> | <u>C</u> | <u>C</u> |
| *** | | | |

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TITLE 8. MIXED USE DISTRICTS

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

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

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

(b) **Categories in chart.** The following chart divides the uses allowed under the optional method of development into the categories of residential, retail and service, office, light industrial, civic/institutional, and other uses, and the uses are subject to the 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 | e | e | e | e | e |
| *** | | | | | |

| <u>Uses</u> | <u>MXD-V</u> | <u>MXD-G</u> | <u>MXD-N</u> | <u>MXD-S</u> | <u>MXD-U</u> |
|--|--------------|--------------|--------------|--------------|--------------|
| *** | | | | | |
| Other | | | | | |
| BATTERY ENERGY STORAGE SYSTEM, FRONT-OF-THE-METER | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> |
| *** | | | | | |

TITLE 10. REQUIREMENTS FOR CONDITIONAL USES

18-10-110. BATTERY ENERGY STORAGE SYSTEM, FRONT-OF-THE-METER.

(A) **REQUIREMENTS.** A FRONT-OF-THE-METER BATTERY ENERGY STORAGE SYSTEM SHALL COMPLY WITH THE FOLLOWING REQUIREMENTS.

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

~~(2) (1) THE FACILITY SHALL BE LOCATED AT LEAST TWO AND A HALF MILES FROM THE CRITICAL AREA.~~

~~(3) (2) VEHICULAR ACCESS FOR THE FACILITY SHALL BE:~~

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

1 ~~(II) FROM A FREEWAY.~~

2
3 ~~(4) (3) THE FACILITY SHALL BE SURROUNDED BY NON-BARBED WIRE FENCING AT~~
4 ~~LEAST EIGHT FEET HIGH.~~

5
6 ~~(5) (4) A FACILITY LOCATED~~ (1) A FRONT-OF-THE-METER BATTERY ENERGY STORAGE
7 SYSTEM ON PROPERTY IN A RESIDENTIAL OR MIXED USE ZONING DISTRICT:

8
9 (I) SHALL BE SURROUNDED BY A NON-BARBED WIRE FENCE THAT IS NOT MORE
10 THAN 20 FEET HIGH;

11
12 (II) MAY USE BARBED WIRE FENCING AROUND SUBSTATIONS OR OTHER
13 CRITICAL INFRASTRUCTURE FOR PROTECTION OF THAT INFRASTRUCTURE; AND

14
15 (III) ~~ANY SHALL BE SURROUNDED BY A LANDSCAPING BUFFER OR VEGETATIVE~~
16 ~~SCREENING REQUIRED BY THE OFFICE OF PLANNING AND ZONING SHALL BE NO MORE~~
17 ~~THAN OF 25 FEET IN DEPTH AND SHALL PROVIDE FOR THAT PROVIDES~~ FOUR-SEASON
18 VISUAL SCREENING OF THE FACILITY.

19
20 ~~(6) (5) ESTABLISHMENT AND OPERATION OF THE FACILITY:~~

21
22 (2) FOR A FRONT-OF-THE-METER BATTERY ENERGY STORAGE SYSTEM IN ANY
23 ZONING DISTRICT:

24
25 (I) ~~SHALL MINIMIZE GRADING~~ SHALL BE MINIMIZED TO THE MAXIMUM EXTENT
26 POSSIBLE;

27
28 (II) ~~MAY NOT REMOVE TOPSOIL~~ MAY NOT BE REMOVED FROM THE LOT OR
29 PARCEL, BUT MAY ~~MOVE~~ BE MOVED OR TEMPORARILY ~~STOCKPILE TOPSOIL~~ STOCKPILED
30 FOR GRADING; AND

31
32 (III) ~~MAY NOT USE HERBICIDES~~ MAY NOT BE USED EXCEPT TO CONTROL
33 INVASIVE SPECIES, WHICH SHALL BE IN COMPLIANCE WITH ARTICLE 13, TITLE 6 OF THIS
34 CODE.

35
36 ~~(7) (6) THE FACILITY SHALL COMPLY WITH THE LATEST PUBLISHED VERSIONS OF~~

37
38 (3) THE FRONT-OF-THE-METER BATTERY ENERGY STORAGE SYSTEM SHALL COMPLY
39 WITH THE NFPA 855, "STANDARD FOR THE INSTALLATION OF STATIONARY ENERGY
40 STORAGE SYSTEMS", AND NFPA 70, "NATIONAL ELECTRICAL CODE", AS ADOPTED AND
41 AMENDED BY THE ANNE ARUNDEL COUNTY CONSTRUCTION AND PROPERTY
42 MAINTENANCE CODES SUPPLEMENT, OCTOBER 1, 2005. IF A PROVISION IN THIS ~~CODE~~
43 SECTION CONFLICTS WITH THE ~~LATEST PUBLISHED VERSION OF~~ NFPA 855 OR NFPA 70, AS
44 ADOPTED AND AMENDED BY THE ANNE ARUNDEL COUNTY CONSTRUCTION AND
45 PROPERTY MAINTENANCE CODES SUPPLEMENT, OCTOBER 1, 2005, THE ~~LATEST PUBLISHED~~
46 VERSIONS OF NFPA 855 AND NFPA 70, AS ADOPTED AND AMENDED BY THE ANNE ARUNDEL
47 COUNTY CONSTRUCTION AND PROPERTY MAINTENANCE CODES SUPPLEMENT, OCTOBER
48 1, 2005 SHALL CONTROL.

49
50 ~~(8) (7) (4) THE DEVELOPER OF A FACILITY~~ FRONT-OF-THE-METER BATTERY ENERGY
51 STORAGE SYSTEM SHALL:

52
53 (I) UNDERGO SITE DEVELOPMENT REVIEW IN ACCORDANCE WITH ARTICLE 17,
54 TITLE 4 OF THIS CODE IN ORDER TO ENSURE ALL THE CONDITIONS HEREIN ARE SATISFIED
55 AND OBTAIN A BUILDING PERMIT;

1 (II) FILE WITH THE APPLICATION FOR A BUILDING PERMIT, AN EMERGENCY
2 RESPONSE PLAN AND A PLAN FOR OFFERING SITE-SPECIFIC TRAINING TO COUNTY FIRE
3 SERVICE AND EMERGENCY PERSONNEL PRIOR TO COMMENCING OPERATION; AND
4

5 (III) PRIOR TO THE ISSUANCE OF A BUILDING PERMIT, CONDUCT A HAZARD
6 MITIGATION ANALYSIS AS SPECIFIED BY NFPA 855.
7

8 ~~(B) EXPEDITED REVIEW FOR CERTAIN PROJECTS. THE OFFICE OF PLANNING AND~~
9 ~~ZONING SHALL EXPEDITE THE REVIEW AND APPROVAL OF SITE DEVELOPMENT PLANS AND~~
10 ~~PERMITS FOR A FACILITY THAT MEETS ALL OF THE REQUIREMENTS OF THIS SECTION.~~
11

12 (B) CONFLICT WITH STATE LAW. IN THE EVENT THAT ANY PROVISION OF THIS SECTION
13 CONFLICTS WITH, IS INCONSISTENT WITH, OR IS PREEMPTED BY ANY PROVISION OF THE
14 STATE LAW REGARDING FRONT-OF-THE-METER BATTERY ENERGY STORAGE SYSTEMS, THE
15 APPLICABLE STATE STATUTE SHALL CONTROL TO THE EXTENT OF THE CONFLICT.
16

17 TITLE 11. REQUIREMENTS FOR SPECIAL EXCEPTION USES

18 18-11-108. BATTERY ENERGY STORAGE SYSTEM, FRONT-OF-THE-METER.

19 (A) REQUIREMENTS. A FRONT-OF-THE-METER BATTERY ENERGY STORAGE SYSTEM
20 SHALL COMPLY WITH ALL OF THE FOLLOWING REQUIREMENTS.
21

22 (1) A FRONT-OF-THE-METER BATTERY ENERGY STORAGE SYSTEM SHALL BE
23 SURROUNDED BY A NON-BARBED WIRE FENCE THAT IS NOT MORE THAN 20 FEET HIGH.
24

25 (2) BARBED WIRE FENCING MAY BE USED AROUND THE SUBSTATIONS OR OTHER
26 CRITICAL INFRASTRUCTURE FOR PROTECTION OF THAT INFRASTRUCTURE.
27

28 (3) A FRONT-OF-THE-METER BATTERY ENERGY STORAGE SYSTEM SHALL BE
29 SURROUNDED BY A LANDSCAPING BUFFER OR VEGETATIVE SCREENING OF 25 FEET IN
30 DEPTH THAT PROVIDES FOR FOUR-SEASON VISUAL SCREENING.
31

32 (4) GRADING SHALL BE MINIMIZED TO THE MAXIMUM EXTENT POSSIBLE.
33

34 (5) TOPSOIL MAY NOT BE REMOVED FROM THE LOT OR PARCEL, BUT MAY BE MOVED
35 OR TEMPORARILY STOCKPILED FOR GRADING.
36

37 (6) HERBICIDES MAY NOT BE USED EXCEPT TO CONTROL INVASIVE SPECIES, WHICH
38 SHALL BE IN COMPLIANCE WITH ARTICLE 13, TITLE 6 OF THIS CODE.
39

40 (7) THE FRONT-OF-THE-METER BATTERY ENERGY STORAGE SYSTEM SHALL COMPLY
41 WITH THE NFPA 855, "STANDARD FOR THE INSTALLATION OF STATIONARY ENERGY
42 STORAGE SYSTEMS", AND NFPA 70, "NATIONAL ELECTRICAL CODE", AS ADOPTED AND
43 AMENDED BY THE ANNE ARUNDEL COUNTY CONSTRUCTION AND PROPERTY
44 MAINTENANCE CODES SUPPLEMENT, OCTOBER 1, 2005. IF A PROVISION IN THIS SECTION
45 CONFLICTS WITH THE NFPA 855 OR NFPA 70, AS ADOPTED AND AMENDED BY THE ANNE
46 ARUNDEL COUNTY CONSTRUCTION AND PROPERTY MAINTENANCE CODES SUPPLEMENT,
47 OCTOBER 1, 2005, THE NFPA 855 AND NFPA 70, AS ADOPTED AND AMENDED BY THE ANNE
48 ARUNDEL COUNTY CONSTRUCTION AND PROPERTY MAINTENANCE CODES SUPPLEMENT,
49 OCTOBER 1, 2005 SHALL CONTROL.
50

51 (8) THE DEVELOPER OF A FRONT-OF-THE-METER BATTERY ENERGY STORAGE
52 SYSTEM SHALL:
53

54 (I) UNDERGO SITE DEVELOPMENT REVIEW IN ACCORDANCE WITH ARTICLE 17,
55 TITLE 4 OF THIS CODE IN ORDER TO ENSURE ALL THE CONDITIONS HEREIN ARE SATISFIED
56 AND OBTAIN A BUILDING PERMIT;
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1 (II) FILE WITH THE APPLICATION FOR A BUILDING PERMIT, AN EMERGENCY
2 RESPONSE PLAN AND A PLAN FOR OFFERING SITE-SPECIFIC TRAINING TO COUNTY FIRE
3 SERVICE AND EMERGENCY PERSONNEL PRIOR TO COMMENCING OPERATION; AND

4
5 (III) PRIOR TO THE ISSUANCE OF A BUILDING PERMIT, CONDUCT A HAZARD
6 MITIGATION ANALYSIS AS SPECIFIED BY NFPA 855.

7
8 (B) CONFLICT WITH STATE LAW. IN THE EVENT THAT ANY PROVISION OF THIS SECTION
9 CONFLICTS WITH, IS INCONSISTENT WITH, OR IS PREEMPTED BY ANY PROVISION OF THE
10 STATE LAW REGARDING FRONT-OF-THE-METER BATTERY ENERGY STORAGE SYSTEMS, THE
11 APPLICABLE STATE STATUTE SHALL CONTROL TO THE EXTENT OF THE CONFLICT.

12
13 SECTION 3. *And be it further enacted,* That this Ordinance shall take effect 45 days
14 from the date it becomes law.