

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2025, Legislative Day No. 17

Bill No. 76-25

Mr. David Marks, Councilman

By the County Council, October 20, 2025

A BILL
ENTITLED

AN ACT concerning

Zoning Regulations – Energy Storage Devices – Temporary Controls

FOR the purpose of establishing temporary controls suspending the permitting of energy storage devices east of Pulaski Highway (Route 40) until the earlier of a certain number of days after a report from the Planning Department is submitted to the Council or a certain date; requiring the Planning Department to review the current County regulations regarding bulk and area regulations, landscaping requirements, and noise limitations for energy storage devices and submit a report to the County Council, no later than February 1, 2026, that contains certain recommendations; providing for the retroactive application of this Act to the date of this Act's introduction; and generally relating to data centers and energy storage devices.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

BY repealing and re-enacting, without amendments

Section 101.1, the definition of “energy storage device” listed alphabetically
and Section 443.1.B and E-F
Baltimore County Zoning Regulations, as amended

WHEREAS, on August 5, 2024, the County Council enacted Bill 54-24 to, among other things, establish a definition for energy storage devices, permit such devices in certain zones, and establish bulk and area regulations, landscaping requirements, and noise limitations for such devices in the R.C. 5 Zone; and

WHEREAS, recognizing the County’s need for energy solutions generally and the freshness of the technology enabling energy storage devices specifically, the County Council took a “light touch” approach to regulating certain aspects of energy storage devices in Bill 54-24; and

WHEREAS, in the intervening 14 months, as the plans for energy storage devices have come into focus, it has become clear that additional regulation is needed, specifically regarding bulk and area regulations, landscaping requirements, and noise limitations, to maintain the health and safety of County residents living in proximity of the devices; and

WHEREAS, in order to maintain a consistent regulatory environment for energy storage devices, a temporary moratorium on energy storage devices is needed while the County and the Council formulate and enact clearer bulk and area regulations, landscaping requirements, and noise limitations; now therefore

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
COUNTY, MARYLAND, that the Baltimore County Zoning Regulations read as follows:

ARTICLE 1 – GENERAL PROVISIONS

Section 101 – Definitions

§ 101.1. Word usage; definitions.

Energy storage device – a resource capable of absorbing electrical energy, storing it for a period of time, and delivering the energy for use at a later time as needed. An energy storage device is not considered a utility transmission facility. An energy storage device consists of the system of structures, wires, insulators, and associated hardware that carries electrical energy to and from the electric power system. If located in the R.C. 5 zone, the site of an energy storage device shall be a minimum of 30 acres and located within one half-mile of a transmission line. An energy storage device is only permitted east of Pulaski Highway (Route 40) or south of Liberty Road.

ARTICLE 4 – SPECIAL REGULATIONS

Section 443 – Data Centers and Energy Storage Devices

§ 443.1. Data centers and energy storage devices.

B. Bulk standards. A data center or energy storage device developed under this section is subject only to the following setback, height, and area requirements:

1. The minimum setback from any lot line or street line shall be 10 feet.
2. The minimum setback may be reduced to zero for the purposes of integrating, adjoining, or connecting structures on contiguous lots with the expressed approval of the owner of the contiguous lot.

1 3. Notwithstanding the provisions of Section 102.2 of these regulations, a yard or
2 setback is not required between the structures which constitute a data storage or energy storage
3 device or any accessory device thereto.

4 4. The maximum height of principal structures associated with a data storage or
5 energy storage device shall be 60 feet. Interconnection equipment, poles, or other ancillary
6 support structures shall not be considered as principal structures.

7 5. There is no lot coverage requirement.

8 E. Landscaping requirements.

9 1. A landscaping buffer shall be provided around the perimeter of any portion of
10 a property containing a building or structure used as a data center or energy storage device
11 adjoining a property zoned or used for residential uses.

12 2. Landscaping is not required within areas which are already vegetated or when
13 landscaping would conflict with other regulations, such as those applicable to wetlands and the
14 preservation of natural habitat.

15 F. Noise. A data center or energy storage device developed under this section shall
16 comply with all state and local noise ordinances and regulations, as set forth in COMAR
17 26.02.03.02. and Article 17, Title 3 of the Baltimore County Code.

18
19 SECTION 2. AND BE IT FURTHER ENACTED, that, notwithstanding any other
20 provision of County law or regulation, the authority to issue a permit for an energy storage
21 device east of Pulaski Highway (Route 40) be and is hereby is suspended until the earlier of:

22 (a) 60 days after the Department of Planning provides the report requested under
23 Section 3 of this Act to the County Council; or

1 (b) March 1, 2026.

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3 SECTION 3. AND BE IT FURTHER ENACTED, that the Department of Planning shall
4 review the current County laws, regulations, and practices regarding bulk and area regulations,
5 landscaping requirements, and noise limitations for energy storage devices and submit a report to
6 the County Council, no later than December 31, 2025, that:

7 (a) compares the relevant County regulations to other Maryland jurisdictions;

8 (b) recommends an appropriate set of requirements for landscaping and noise to
9 shield residential neighbors from energy storage devices; and

10 (c) specifically considers the effects of climate change in low-lying areas to
11 energy storage devices and makes recommendations to mitigate any such negative effects,
12 including to the current height requirements and limitations for energy storage devices.

13
14 SECTION 4. AND BE IT FURTHER ENACTED, that this Act, having been passed by
15 the affirmative vote of five members of the County Council, shall take effect 14 days from the
16 date of its enactment and shall apply retroactively to this Act's date of introduction before the
17 County Council.