

TOWN OF MORRIS, CONNECTICUT PLANNING & ZONING COMMISSION

PROPOSED TEXT AMENDMENTS –

Battery Energy Storage Systems and Data Centers

Draft Prepared for Planning Meeting October 2026 by Janell Mullen Consulting

Section 1. Purpose and Intent

The purpose of this regulation is to establish appropriate limitations and standards for Battery Energy Storage Systems and Data Centers within the Town of Morris, Connecticut.

The Town of Morris Planning & Zoning Commission recognizes that Battery Energy Storage Systems and Data Centers may vary substantially in size, scale, intensity, infrastructure requirements, and potential impacts. **The Commission therefore intends to distinguish between large-scale, hyperscale, and standalone facilities, which are prohibited, and limited facilities that are accessory to an existing or approved commercial or industrial principal use, which may be permitted subject to Special Exception approval (Section 52).**

This regulation is intended to:

1. Prohibit large-scale and hyperscale Battery Energy Storage Systems and Data Centers as standalone principal uses within the Town of Morris;
2. Allow limited Battery Energy Storage Systems and Data Centers as accessory uses only on properties located within specific zoning districts in which commercial or industrial principal uses are permitted;
3. Require Special Exception review of all accessory Battery Energy Storage Systems and Data Centers to allow the Commission to evaluate site-specific impacts;
4. Ensure that an accessory Battery Energy Storage System or Data Center remains subordinate and incidental to the principal commercial or industrial use;
5. Limit the physical scale of such accessory uses to avoid the establishment of a de facto standalone Battery Energy Storage System or Data Center;
6. Protect public health, safety and welfare and address potential impacts associated with fire safety, emergency response, electrical infrastructure, water consumption, cooling systems, noise, traffic, land consumption, and other infrastructure demands; and
7. Preserve the existing land-use pattern and development objectives of the Town of Morris Plan of Conservation & Development (POCAD) while allowing appropriately scaled technology and energy-storage facilities that directly support permitted commercial and industrial uses.

Section 2. Definitions

to also be included in Section 9 Definitions

2.1 Battery Energy Storage System (BESS)

Battery Energy Storage System (BESS) means a stationary system or facility consisting of one or more rechargeable batteries or other electrochemical energy-storage technologies used to store electrical energy for subsequent use, together with associated equipment and infrastructure.

A BESS includes, but is not limited to:

- A. Battery modules, cells, racks, cabinets, containers or enclosures;

- B. Power conversion systems, inverters and transformers;
- C. Battery management and energy management systems;
- D. Thermal management, ventilation and cooling systems;
- E. Fire detection, alarm, suppression and protection systems;
- F. Electrical switchgear and associated equipment;
- G. Fencing, security systems and access controls; and
- H. Other equipment, structures, improvements or facilities necessary for the operation of the BESS.

2.2 BESS Installation Area

BESS Installation Area means the total area of land occupied or utilized by a Battery Energy Storage System and its associated equipment and infrastructure, whether located within or outside of buildings.

The BESS Installation Area shall include, without limitation:

- A. Battery containers, cabinets, enclosures, racks and modules;
- B. Equipment pads and foundations;
- C. Inverters, transformers, switchgear and other electrical equipment serving the BESS;
- D. Cooling, ventilation and thermal-management equipment;
- E. Fire detection, fire suppression and other fire-protection equipment dedicated to the BESS;
- F. Required separation areas between battery units or equipment;
- G. Fencing and secured areas enclosing the BESS;
- H. Internal access drives and circulation areas located within the secured BESS facility;
- I. Other land areas specifically dedicated to or required for the operation, maintenance, safety or protection of the BESS.

The maximum BESS Installation Area for an Accessory BESS shall be 10,000 square feet.

The 10,000-square-foot limitation shall apply to the **entire BESS Installation Area** and shall not be calculated solely on the footprint of the battery containers, cabinets, buildings or other individual pieces of equipment.

Where more than one BESS is located on a lot, the BESS Installation Areas shall be aggregated for purposes of determining compliance with the 10,000-square-foot maximum.

2.3 Accessory Battery Energy Storage System

An **Accessory Battery Energy Storage System** means a BESS that:

- A. Is located on the same lot as an existing or approved principal commercial or industrial use;
- B. Is clearly subordinate and incidental to the principal commercial or industrial use;
- C. Primarily serves, supports or provides energy-management or backup-power functions for the principal use or other permitted uses located on the same lot; and
- D. Does not constitute a separate commercial enterprise or principal use of the property.

An Accessory BESS shall not be established for the primary purpose of selling, reselling, transmitting or providing stored electrical energy or grid services to third parties in a manner that causes the BESS to function as an independent commercial use.

2.4 Data Center

Data Center means a building, structure, portion of a building, or group of buildings principally or primarily used for the centralized storage, processing, management, transmission, distribution or exchange of digital information or data through computer servers, telecommunications equipment or similar electronic equipment.

A Data Center may include associated:

- A. Computer servers and data-storage equipment;
- B. Telecommunications and networking equipment;
- C. Electrical distribution equipment;
- D. Cooling and climate-control systems;
- E. Backup power systems, including generators and batteries;
- F. Security and monitoring systems; and
- G. Other equipment necessary for the operation of the facility.

The term **Data Center** does not include a customary server room, computer room, telecommunications room or similar equipment that is clearly incidental and accessory to a permitted principal use and that does not independently constitute a Data Center under this regulation.

2.5 Accessory Data Center

An **Accessory Data Center** means a Data Center located on the same lot as an existing or approved principal commercial or industrial use that:

- A. Is clearly subordinate and incidental to the principal commercial or industrial use;
- B. Supports the operations of the principal use or other permitted uses located on the same lot; and
- C. Does not constitute a separate principal commercial enterprise or independently operated Data Center business.

Section 3. Prohibited Principal Uses

Notwithstanding any other provision of the Morris Zoning Regulations, the following uses are prohibited as principal or standalone uses in **all zoning districts**:

3.1 Standalone Battery Energy Storage System

A Battery Energy Storage System that is established as the principal use of a lot, parcel or development site is prohibited.

3.2 Standalone Data Center

A Data Center that is established as the principal use of a lot, parcel or development site is prohibited.

3.3 Hyperscale or Large-Scale Facilities

No hyperscale, utility-scale, grid-scale or other large-scale Battery Energy Storage System or Data Center shall be permitted as a standalone use, regardless of the zoning district in which the property is located.

No subdivision, Special Exception, site plan, zoning permit, zoning map amendment or other land-use approval shall be granted for the purpose of establishing a prohibited standalone Battery Energy Storage System or Data Center.

Section 4. Accessory Battery Energy Storage Systems

4.1 Special Permit Required

An Accessory Battery Energy Storage System shall be permitted only upon issuance of a **Special Exception by the Planning and Zoning Commission** in accordance with the applicable provisions of the Morris Zoning Regulations.

4.2 Permitted Location

An Accessory BESS may be permitted only on a lot located **within Commercial District A (CA), Commercial District B (CB) and/or Light Industrial (LI)** in which a commercial or industrial principal use is permitted.

An Accessory BESS shall not be permitted as an accessory use to a residential, agricultural, institutional or other noncommercial/nonindustrial principal use.

4.3 Principal Use Required

An Accessory BESS shall not be established on a vacant lot or on a lot lacking an existing or approved principal commercial or industrial use.

The principal commercial or industrial use shall remain the primary use of the property.

4.4 Maximum BESS Installation Area

The **total BESS Installation Area shall not exceed 10,000 square feet.**

The 10,000-square-foot maximum shall apply to the entire BESS Installation Area as defined in Section 2.2, including all equipment, structures, pads, secured areas, required separation areas, internal access and circulation areas, and other land specifically dedicated to or required for the operation, maintenance, safety or protection of the BESS.

The 10,000-square-foot maximum shall not be interpreted as applying solely to the footprint of battery containers, cabinets, buildings or individual pieces of equipment.

4.5 Aggregate Calculation

Where multiple BESS installations are proposed, constructed or operated on the same lot, the **aggregate BESS Installation Area** shall be used to determine compliance with the 10,000-square-foot maximum.

Separate BESS installations, phases, buildings, equipment areas or operating systems shall not be used to circumvent the maximum BESS Installation Area.

4.6 Accessory Relationship

The Commission shall determine, as part of Special Permit review, whether the proposed BESS is genuinely accessory and subordinate to the principal commercial or industrial use.

The Commission may require documentation demonstrating the relationship between the proposed BESS and the principal use, including the intended function of the system, ownership and operation of the system, anticipated source and destination of stored electricity, and whether the system will provide services to off-site users.

Section 5. Accessory Data Centers

5.1 Special Permit Required

An Accessory Data Center shall be permitted only upon issuance of a **Special Permit by the Planning and Zoning Commission** in accordance with the applicable provisions of the Morris Zoning Regulations.

5.2 Permitted Location

An Accessory Data Center may be permitted only on a lot located within **Commercial District A (CA), Commercial District B (CB) and/or Light Industrial (LI) Zoning District** in which a commercial or industrial principal use is permitted.

An Accessory Data Center shall not be permitted as an accessory use to a residential, agricultural, institutional or other noncommercial/nonindustrial principal use.

5.3 Principal Use Required

An Accessory Data Center shall not be established on a vacant lot or on a lot lacking an existing or approved principal commercial or industrial use.

The principal commercial or industrial use shall remain the primary use of the property.

5.4 Maximum Size

The gross floor area devoted to an Accessory Data Center shall not exceed **10,000 square feet**.

The 10,000-square-foot limitation shall apply to the aggregate gross floor area devoted to Data Center functions on the lot, including server rooms, data-storage areas, associated equipment rooms and other areas principally devoted to the operation of the Data Center.

5.5 Accessory Relationship

The Commission shall determine, as part of Special Exception review, whether the proposed Data Center is genuinely accessory and subordinate to the principal commercial or industrial use.

A Data Center that is independently operated, leased, marketed or occupied as a commercial data-processing or data-storage facility and is not demonstrably accessory to the principal commercial or industrial use shall be considered a **standalone Data Center** and shall be prohibited.

Section 6. Special Exception Review Standards

In reviewing an application for an Accessory BESS or Accessory Data Center, the Commission shall consider the applicable Special Exception standards contained in the Morris Zoning Regulations and, in addition, shall consider:

- A. The relationship of the proposed use to the existing or approved principal commercial or industrial use;
- B. The scale and intensity of the proposed facility;
- C. Compliance with the applicable 10,000-square-foot limitation;

- D. Fire protection, fire suppression and emergency response requirements;
- E. Access for emergency vehicles and emergency responders;
- F. Potential impacts to wetlands, watercourses, groundwater and other natural resources;
- G. Electrical infrastructure and utility requirements;
- H. Noise generated by mechanical, electrical, cooling, ventilation or other equipment;
- I. Lighting and nighttime impacts;
- J. Visual impacts and appropriate screening;
- K. Traffic, access and circulation;
- L. Stormwater management;
- M. The location and design of equipment, structures and associated infrastructure;
- N. The potential for the proposed facility to function as an independent principal use rather than an accessory use; and
- O. Any other site-specific impacts reasonably related to the proposed use.

The Commission may impose reasonable conditions of approval necessary to ensure compliance with these Regulations and to mitigate identified site-specific impacts.

Section 7. Prohibition Against Circumvention

No person shall establish, divide, phase, construct, lease, operate or otherwise arrange a series of separate or related facilities for the purpose of circumventing the prohibitions, accessory-use requirements or size limitations contained in this regulation.

For purposes of determining compliance, facilities that are functionally related, under common ownership or control, or located on the same lot or contiguous lots under common ownership or control may be considered collectively where the Commission determines that the facilities are being established or operated as a single integrated use.

The creation of separate buildings, structures, lease areas, parcels or operating entities shall not, by itself, establish that a use is accessory or that the applicable maximum size limitations have been satisfied.

Section 8. Existing Facilities and Nonconforming Uses

Any Battery Energy Storage System or Data Center lawfully established and operating prior to the effective date of this regulation shall be governed by the applicable provisions of the Morris Zoning Regulations concerning nonconforming uses and structures.

Nothing in this regulation shall be construed to authorize the expansion of a nonconforming Battery Energy Storage System or Data Center where such expansion would otherwise be prohibited by these Regulations.

Section 9. Severability

If any section, subsection, provision or portion of this regulation is determined to be invalid or unenforceable by a court of competent jurisdiction, such determination shall not affect the validity or enforceability of the remaining provisions.

Section 10. Effective Date

This regulation shall become effective in accordance with the provisions of the Connecticut General Statutes.

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