

TEXT AMENDMENTS TO COUNCIL BILL 12-152

GAS AND ELECTRIC STANDARDS

(1st Reader Copy)

Proposed by: **BGE [T-506]**

{To be offered to the Land Use and Transportation Committee}

Amendment No. 1 {Defining “Electric Substation”, etc.}

On page 21, in line 15, strike “**“EDUCATIONAL FACILITY: PRIMARY ...”**” and substitute “**“ELECTRIC SUBSTATION: OUTDOOR”**”; and, on page 24, after line 26, insert:

“(Y) {RESERVED}

(Z) {RESERVED}

(AA) ELECTRIC SUBSTATION.

(1) GENERAL.

“ELECTRIC SUBSTATION” MEANS A FACILITY THAT IS:

(I) OWNED, LEASED, OR OTHERWISE MAINTAINED BY AN ELECTRIC COMPANY REGULATED BY THE MARYLAND PUBLIC SERVICE COMMISSION; AND

(II) PRIMARILY USED TO CONVERT, SWITCH, OR TERMINATE ELECTRIC VOLTAGES AT OR ABOVE 4,000 VOLTS.

(2) INCLUSIONS.

“ELECTRIC SUBSTATION” INCLUDES GENERATION FACILITIES USED TO SUPPORT THE ELECTRIC DISTRIBUTION SYSTEM.

(BB) ELECTRIC SUBSTATION: ENCLOSED.

“ELECTRIC SUBSTATION: ENCLOSED” MEANS AN ELECTRIC SUBSTATION THAT IS SCREENED FROM ANY PUBLIC RIGHT-OF-WAY BY AN ARCHITECTURAL PERIMETER WALL WITH A MINIMUM HEIGHT OF 10 FEET AND A MAXIMUM HEIGHT OF 20 FEET.

(CC) ELECTRIC SUBSTATION: INDOOR.

“ELECTRIC SUBSTATION: INDOOR” MEANS AN ELECTRIC SUBSTATION THE MAJOR COMPONENTS OF WHICH ARE HOUSED WITHIN A COVERED BUILDING.

(DD) ELECTRIC SUBSTATION: OUTDOOR.

“ELECTRIC SUBSTATION: OUTDOOR” MEANS AN ELECTRIC SUBSTATION THAT IS NEITHER AN ELECTRIC SUBSTATION: ENCLOSED NOR AN ELECTRIC SUBSTATION: INDOOR.”.

{DLR NOTE: One need only search the Bill for the single word “screened” to discover that the concept is couched in so many diverse ways – e.g., “effectively screened”, “completely screened”, “properly screened”, “visually screened”, or just simply “screened”; “screened from view of [or “from view along” or “from view from”] the [or “a”] public right-of way [or “primary street”]...”; “screened so that it cannot be readily seen from ...”, “screened ... or otherwise not readily apparent to a casual observer”, or “screened so that it is not visible from ...”; “screened in accordance with the requirements of the Landscape Manual”; “screened by an opaque masonry wall”, or “screened by a solid wood fence” – that one despairs of finding some objective, non-arbitrary, consistent standard to apply. PERHAPS, JUST MAYBE, SOMETHING CAN BE DONE DURING THE HIATUS BETWEEN ENACTMENT AND EFFECTIVE DATE??? }

Amendment No. 2 {Defining “Gas and Electric Distribution Equipment}

On page 28, after line 32, insert:

“(U) GAS AND ELECTRIC DISTRIBUTION EQUIPMENT.

(1) GENERAL.

“GAS AND ELECTRIC DISTRIBUTION EQUIPMENT” MEANS ABOVEGROUND AND UNDERGROUND EQUIPMENT USED FOR ELECTRIC, GAS, COMMUNICATIONS, OR TELECOMMUNICATIONS SYSTEMS.

(2) ILLUSTRATIONS.

“GAS AND ELECTRIC DISTRIBUTION EQUIPMENT” INCLUDES POLES, CROSSARMS, ANCHORS, GUYS, WIRES, LINES, CABLES, MAINS, PIPES, VALVES, CONDUITS, MANHOLES, VAULTS, ABOVEGROUND AND UNDERGROUND TRANSFORMERS, SWITCHGEAR, REGULATORS, METERS, CAPACITORS, PADS, STREET LIGHTS, OTHER EQUIPMENT, AND ENCLOSURES.”.

Amendment No. 3 {Modifying Related Definitions}

On page 42, in line 27, after “STORAGE”, insert “FUELING”; and, in the same line, before “TAXICABS”, insert “PUBLIC UTILITY VEHICLES.”; and, on page 46, in line 6, after “PRINCIPAL”, insert “OR ACCESSORY”; and, on page 62, in line 23, strike “SUBSTATIONS.”.

Amendment No. 4 {§ 6-401 (Exempt Utility Uses)}

On page 116, after line 19, insert the subsection designator and caption “(A) USES ALLOWED.”; and, in line 22, after “DISTRIBUTION CABLE”, insert “AND EQUIPMENT”; and, in line 23, after “UTILITY”, insert “DISTRIBUTION”; and, in the same line, strike “DISTRIBUTING”; and, after line 30, insert:

“(B) GAS, ELECTRIC EQUIPMENT EXEMPT FROM SETBACK, SCREENING REQUIREMENTS.

THE FOLLOWING GAS AND ELECTRIC DISTRIBUTION EQUIPMENT ARE EXEMPT FROM THE SETBACK AND SCREENING REQUIREMENTS OF § 14-339(B) {“ABOVEGROUND STRUCTURES AND ELECTRIC SUBSTATIONS”} OF THIS CODE:

(1) GAS AND ELECTRIC DISTRIBUTION EQUIPMENT THAT IS LOCATED IN A COMMERCIAL OR INDUSTRIAL ZONE; AND

(2) GAS AND ELECTRIC DISTRIBUTION EQUIPMENT THAT IS:

(I) LOCATED IN AN OPEN SPACE, RESIDENTIAL, OFFICE-RESIDENTIAL OR TOD ZONING DISTRICT; AND

(II) IS NO MORE THAN 10 FEET WIDE, 10 FEET LONG, OR 8 FEET HIGH.”.

Amendment No. 5 {§ 14-339(b) (Electric Substations)}

On page 233, strike lines 29 through 34, in their entireties, and substitute:

“(B) ABOVEGROUND UTILITY STRUCTURES AND ELECTRIC SUBSTATIONS.

ELECTRIC SUBSTATIONS AND ANY ABOVEGROUND UTILITY STRUCTURES THAT ARE PART OF AN UNDERGROUND UTILITY SYSTEM, SUCH AS PEDESTALS FOR CABLE WIRE ACCESS OR OTHER ACCESS POINTS FOR UNDERGROUND INFRASTRUCTURE (COMMUNICATIONS WIRING, FIBER OPTIC, ETC.):

(1) MAY NOT ENCROACH INTO A REQUIRED FRONT YARD; AND

(2) MUST BE SCREENED FROM ANY PUBLIC RIGHT-OF-WAY.

(C) MODIFICATIONS TO ELECTRIC SUBSTATION SUBJECT TO CONDITIONAL USE APPROVAL.

ON A PROPERTY WHERE AN ELECTRIC SUBSTATION HAS BEEN APPROVED AS A CONDITIONAL USE, A MODIFICATION OF THE ELECTRIC SUBSTATION IS ALLOWED WITHOUT AMENDMENT OF THE CONDITIONAL USE, AS LONG AS:

(1) THE MODIFICATION CONFORMS TO THE BULK AND YARD REGULATIONS OF THE UNDERLYING ZONING DISTRICT;

(2) THE MODIFICATION EITHER:

(I) IS LOCATED SOLELY WITHIN THE EXISTING PERIMETER FENCE OR WALL;
OR

(II) COVERS AN AREA BEYOND THE EXISTING PERIMETER FENCE OR WALL THAT IS NOT MORE THAN 20% OF THE AREA WITHIN THE EXISTING PERIMETER FENCE OR WALL;

(3) THE MODIFICATION IS LOCATED SOLELY ON THE PROPERTY GOVERNED BY THE CONDITIONAL USE; AND

(4) THE ELECTRIC SUBSTATION, AS SO MODIFIED, COMPLIES WITH ALL CONDITIONS OF THE EXISTING CONDITIONAL USE APPROVAL OTHER THAN A CONDITION THAT RESTRICTS THE ELECTRIC SUBSTATION TO THE EQUIPMENT CONFIGURATION ALLOWED UNDER THE EXISTING CONDITIONAL USE APPROVAL.”.