

(O-89-217)

17314

ORDINANCE NUMBER O- _____ (NEW SERIES)

ADOPTED ON JUN 19 1989

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING DIVISION 20, SECTION 101.2001, ESTABLISHING A RECYCLING FACILITIES ORDINANCE FOR COMMERCIAL AND INDUSTRIAL ZONES.

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter X, Article 1, of the San Diego Municipal Code be and the same is hereby amended by adding Division 20, Section 101.2001, to read as follows:

DIVISION 20

**RECYCLING FACILITIES FOR
COMMERCIAL AND INDUSTRIAL ZONES**

**SEC. 101.2001 RECYCLING FACILITIES FOR COMMERCIAL AND
INDUSTRIAL ZONES**

A. PURPOSE AND INTENT

The purpose of these recycling facilities regulations is to make redemption and recycling of reusable materials convenient to the public in order to reduce litter and increase the recycling of reusable materials, while protecting the public health and safety of the community. The intent is to encourage the provision of recycling services by providing a comprehensive and easily understood program of permitting and regulating such uses in commercial and

industrial zones and also to provide guidelines and development regulations to ensure that the placement of recycling facilities are consistent with other development requirements of the Municipal Code.

B. DEFINITIONS

1. RECYCLABLE MATERIAL is reusable material including but not limited to metals, glass, plastic and paper, which are intended for reuse, remanufacture, or reconstitution for the purpose of using the altered form. Recyclable material does not include refuse or hazardous waste or hazardous waste materials.

2. A RECYCLING FACILITY is a center for the collection and/or processing of recyclable material. Recycling facilities may include the following when permitted in accordance with the standards established by this Section:

a. A COLLECTION FACILITY is a center for the acceptance by donation, redemption, or purchase of recyclable materials from the public. Such a facility does not use power driven processing equipment, except as indicated in this Section, and may include the following:

(1) REVERSE VENDING MACHINE(S). A reverse vending machine is an automated mechanical device which is less than fifty (50) square feet; accepts at least one or

more types of empty beverage containers including but not limited to aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value as determined by the state. A reverse vending machine may sort and process containers mechanically provided that the entire process is enclosed within the machine;

(2) A SMALL COLLECTION FACILITY occupies an area of not more than five hundred (500) square feet, and may include:

(a) A MOBILE RECYCLING UNIT means an automobile, truck or trailer or van, licensed by the Department of Motor Vehicles which is used for the collection of recyclable materials. A mobile unit also means the bins, boxes or containers transported by the trucks, automobiles, trailers or vans, and used for the collection of recyclable materials;

(b) A BULK REVERSE VENDING MACHINE or a grouping of reverse vending machines occupying more than fifty (50) square feet; is designed to accept more

than one container at a time; and will pay by weight instead of by container;

(c) KIOSK TYPE UNITS, which may include permanent structures;

(d) UNATTENDED CONTAINERS placed for the donation of recyclable materials.

(3) A LARGE COLLECTION FACILITY occupies an area greater than 500 square feet and may aggregate and/or sort recyclable material on site in preparation for shipping to market.

b. A PROCESSING FACILITY is a building or enclosed space used for the collection and processing of recyclable material. Processing means the preparation of materials in one or more of the following manners: baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing. Processing facilities include the following:

(1) A LIGHT PROCESSING FACILITY occupies a lot area under forty-five thousand (45,000) square feet for collection, processing and storage area, and has up to an average of two (2) outbound truck shipments per day. Light processing facilities are limited to baling, briquetting, crushing, compacting, grinding,

shredding and sorting of source separated recyclable materials and repairing of reusable materials sufficient to qualify as a certified processing facility. A light processing facility shall not shred, compact, or bale ferrous metals other than food and beverage containers.

(2) A HEAVY PROCESSING FACILITY is any processing facility other than a light processing facility.

C. PERMITTED LOCATIONS

No person shall place, construct, or operate any recycling facility without first obtaining a recycling permit pursuant to the provisions set forth in this Section. Recycling facilities are permitted as set forth in the following table.

<u>TYPE OF FACILITY</u>	<u>ZONES PERMITTED</u>	<u>PERMIT REQUIRED</u>
Reverse Vending Machines	CA, C-1 and C CN, CV, CC and CO	By Right Zoning Administrator Permit
	All Industrial	By Right
Small Collection	CA, C-1 and C CN, CV, CC and CO	By Right Zoning Administrator Permit
	All Industrial	By Right
Large Collection	All Commercial	Zoning Administrator CUP
	All Industrial	Zoning Administrator CUP
Light Processing	C-1 and C	Planning Director CUP
	All Industrial	Planning Director CUP
Heavy Processing	All Industrial	Planning Director CUP

D. APPLICABLE REGULATIONS

Where not otherwise specified in this Section, the provisions of Municipal Code Chapter X, Articles 1, 2 and 3 shall apply. Where there is conflict between the requirements of this Section and other regulations, the provisions of this Section shall apply.

E. ADMINISTRATION

Those recycling facilities permitted with a Zoning Administrator Permit shall meet all of the applicable criteria and standards listed below. Those recycling facilities permitted with a Conditional Use Permit shall meet the applicable criteria and standards listed below, as well as the standards imposed by Section 101.0510 of the Municipal Code.

F. DEVELOPMENT CRITERIA AND STANDARDS

1. REVERSE VENDING MACHINES within a commercial structure or in the CA, C-1 or C zones do not require an administrative permit, or require additional on site parking spaces. Outdoor reverse vending machines are permitted in the CN, CV, CC and CO zones with an Administrative Permit provided that they comply with the following standards:

a. Establishment of the facility shall be in compliance with all the regulations of the zone in which located.

b. Shall be located within thirty (30) feet of an entrance to the commercial or industrial structure and shall not obstruct pedestrian or vehicular access, or any activity on the site.

c. Shall not occupy required parking spaces.

d. Shall occupy no more than fifty (50) square feet of floor space per installation, shall consist of no more than fifty (50) square feet of machines per primary facility, including any protective enclosure, and shall be no more than eight (8) feet in height.

e. Shall be constructed and maintained with durable waterproof and rustproof material.

f. Shall be clearly marked to identify the type of material to be deposited, operating instructions, and the identity and telephone number of the operator or responsible person to call if the machine is inoperative.

g. Shall have a sign area of a maximum of two (2) square feet per machine, exclusive of operating instructions.

h. Premises shall be maintained in a litter free, dust free condition on a daily basis.

i. Shall have the same operating hours as the primary use on the site.

j. No internally illuminated signs or structures shall be permitted; and artificial lighting used to illuminate any sign or structure shall be directed away from adjacent properties.

k. Shall be illuminated to ensure safe operation if operating hours are between dusk and dawn.

2. SMALL COLLECTION FACILITIES are permitted in the CA, C-1 and C and all industrial zones by right, and in the CN, CV, CC and CO zones with a Zoning Administrator Permit provided they comply with the following requirements:

a. Establishment of the facility shall be in compliance with all the regulations of the zone in which located.

b. Shall be no larger than five hundred (500) square feet, and if located in an open parking lot shall occupy no more than five (5) parking spaces, not including spaces to be used for removal of materials or exchange of containers.

c. Shall be set back at least ten (10) feet from any street line or building and shall not obstruct pedestrian or vehicular circulation.

d. Shall accept only glass bottles, metal, plastic containers, papers and reusable items.

e. Shall use no power driven processing equipment except for bulk reverse vending machines.

f. Shall use containers that are constructed and maintained with durable waterproof and rustproof material, covered when the site is not attended, secure from unauthorized entry.

g. Shall store all recyclable material in containers or in the mobile center vehicles and shall not leave materials outside of containers when attendant is not present.

h. Recyclable materials or refuse which has accumulated or is deposited outside of containers, bins or enclosures intended as receptacles for recyclable materials shall be removed on an as need basis. The premises of the facility shall be maintained free of litter and any other debris, and shall be swept at the end of each collection day.

i. Attended facilities shall be in operation only during the hours of operation of the primary use; if the recycling facility is the only use it may only operate during the hours between dawn and dusk; and facilities located within one hundred (100) feet of residentially zoned or occupied property shall

operate only during the hours between 9:00 a.m. and 7:00 p.m.

j. Containers for 24-hour donation of materials shall be at least thirty (30) feet from any property residentially zoned or occupied unless there is an enclosed area for the donations.

k. Containers shall be clearly marked to identify the type of material which may be deposited, the name and telephone number of the facility operator, the hours of operation and display a notice stating that no material shall be left outside the recycling enclosure or containers.

1. Signs may be provided as follows:

(1) Recycling centers may have identification signs with a maximum of twenty percent (20%) per side or sixteen (16) square feet, whichever is larger, and the sign shall be measured from the pavement to the top of the container;

(2) Directional signs, bearing no advertising message, may be installed in accordance with Section 101.116 B. of the Municipal Code, if necessary to facilitate traffic circulation.

m. No internally illuminated signs or structures shall be permitted; and artificial lighting used to illuminate any sign or structure shall be directed away from adjacent properties.

n. The facility shall not eliminate landscaping required by the Citywide Landscape Ordinance or any building permit issued thereto.

o. No additional parking spaces will be required for customers of a small collection facility located at the established parking lot of the primary use.

p. Occupation of parking spaces which results in the total number of spaces being below the minimum number of required spaces for the primary use is not permitted unless all of the following conditions exist:

(1) The facility is located in a convenience zone or a potential convenience zone as designated by the California Department of Conservation;

(2) A traffic study showing that existing parking capacity is not already fully utilized during the time the recycling facility will be on the site;

(3) The permit will be reconsidered at the end of twelve (12) months.

q. A reduction in available parking spaces in an established parking facility may then be allowed by the Zoning Administrator as follows:

For A Commercial Use

<u>Number of Available Parking Spaces</u>	<u>Maximum Reduction</u>
0-25	0
26-35	2
36-50	3
51-100	4
101+	5

r. If the facility becomes inoperative for a period of thirty (30) days or more, the collection facility shall be removed from the site.

3. LARGE COLLECTION FACILITIES. This facility is permitted in commercial and industrial zones with a Zoning Administrator Conditional Use Permit, provided the facility meets the following standards:

a. Establishment of the facility shall be in compliance with all the regulations of the zone in which located.

b. Facility will be screened from the public right of way by either operating in an entirely enclosed building or;

(1) Is located and operated within an area fully enclosed by a solid fence at least six (6) feet in height with sufficient landscaping; or

(2) Is located at least one hundred fifty (150) feet from residential property.

c. All storage of material shall be in sturdy, nonflammable containers which are covered, secured and maintained in good condition. Baled or pelletized material may also be stored. No storage shall be visible above the height of the fencing.

d. Recyclable materials or refuse which has accumulated or is deposited outside of containers, bins or enclosures intended as receptacles for recyclable materials shall be removed on an as need basis. The premises of the facility shall be maintained free of litter and any other debris, and shall be swept at the end of each collection day.

e. Space shall be provided on site for six (6) vehicles or the anticipated peak customer load, whichever is higher, to circulate and to deposit recyclable materials.

f. One (1) parking space shall be provided for each commercial vehicle operated by the recycling center.

g. If the facility is located within five hundred (500) feet of residential property it shall not be in operation between 7:00 p.m. and 7:00 a.m..

h. Any containers provided for after hours, donations of recyclable materials will be at least fifty (50) feet from any residentially zoned, planned or occupied property, shall be of sturdy, durable waterproof and rustproof construction, shall have sufficient capacity to accommodate materials collected and shall be secure from unauthorized entry or removal of materials. Containers shall be at least ten (10) feet from any building.

i. Areas for donations will be kept free of litter and any other debris and the containers will be clearly marked to identify the type of material that may be deposited; facility shall display a notice stating that no material shall be left outside the recycling containers.

j. Comply with the sign code requirements of the zone in which located.

k. Facility will be clearly marked with the name and telephone number of the facility operator and the hours of operations; identification and informational signs, bearing no advertising messages may be installed if deemed necessary to facilitate traffic circulation, or if the facility is not visible from the public right of way.

1. Power driven processors, including those used for aluminum foil and can compacting, baling, plastic shredding, or other light processing activities may be approved at the discretion of the Zoning Administrator if noise conditions are met.

G. Processing Facilities

A Light Processing Facility is permitted in the C and C-1 and all industrial zones. Heavy Processing Facilities are permitted in all industrial zones. Both processing facilities require a Planning Director Conditional Use Permit, provided the facility meets the following standards:

1. Establishment of the facility shall be in compliance with all the regulations of the zone in which located.

2. In the C, C-1, M-LI, M-IP, M-1B and M-1A zones all processors will operate in a fully enclosed building except for incidental storage; or within an area enclosed on all sides by a solid fence or wall not less than six (6) feet in height and landscaped on all street frontages; or located at least one hundred fifty (150) feet from a residential zone.

3. Power driven processing shall be permitted, provided all noise level requirements are met. Light processing facilities are limited to baling,

briquetting, compacting, grinding, shredding and sorting of source separated recyclable materials and repairing of reusable materials.

4. A light processing facility shall be no more than forty-five thousand (45,000) square feet of lot area and shall have no more than two (2) outbound truck shipments of material per day and may not shred, compact or bale ferrous metals other than food and beverage containers.

5. All exterior storage material shall be in sturdy, nonflammable containers which are covered, secure and maintained in good condition. Baled or pelletized material may also be stored. No storage will be visible above the height of the fence.

6. Site shall be maintained free of litter and any other debris and will be cleaned on a daily basis and will be secure from unauthorized entry and removal of materials when attendants are not present.

7. Space shall be provided on the site for anticipated peak load customers to circulate, park and deposit recyclable materials. If facility is open to the public, a minimum of ten (10) customer parking spaces will be provided.

8. In addition, to the parking requirements above, one (1) parking space will be provided for each commercial vehicle operated by the processing

center. Parking requirements will otherwise be mandated by the zone in which the facility is located.

9. If the facility is located within five hundred (500) feet of residential property, it shall not be in operation between 7:00 p.m. and 7:00 a.m. Facility will be administered by on site personnel during hours the center is open.

10. Any containers provided for after hours donation of recyclable materials will be at least fifty (50) feet from any residentially zoned or occupied property, shall be of sturdy, rustproof and waterproof construction, shall have sufficient capacity to accommodate materials collected and shall be secure from unauthorized entry and removal of materials. Containers shall be at least ten (10) feet from any building.

11. Donation areas shall be kept free of litter and any other debris. The containers shall be clearly marked to identify the type of material that may be deposited. Facility shall display a notice stating that no materials shall be left outside the recycling containers.

12. Comply with the sign requirements of the zone in which the facility is located. In addition, the facility will be clearly marked with the name and telephone number of the facility operator and the hours of operation.

13. Air contaminants including but not limited to smoke, charred paper, paper, dust, grime, carbon, noxious acids, fumes, gases, odors, or particulate matter, or any emissions that endanger human health, cause damage to vegetation or property or cause soiling, vibration or above ambient noise level detectable on neighboring properties shall not be permitted.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage, however, the provisions of this ordinance shall not be applicable within the Coastal Zone until the thirtieth day following the date the California Coastal Commission unconditionally certifies this ordinance as a local coastal program amendment. If this ordinance is not certified, or is certified with suggested modifications by the California Coastal Commission, the provisions of this ordinance shall be null and void within the Coastal Zone.

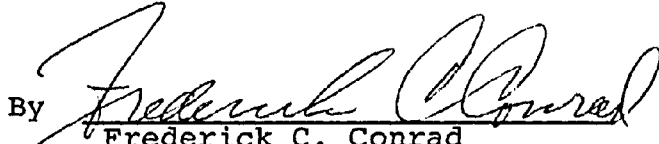
Section 3. In areas of the City of San Diego other than the Coastal Zone no permits for development inconsistent with the provisions of this ordinance shall be issued unless application therefore was made prior to the date of adoption of this ordinance.

Section 4. Within the Coastal Zone no permits for development inconsistent with the provisions of this ordinance shall be issued unless application therefore was made prior to

the date the California Coastal Commission unconditionally certified this ordinance as a local coastal program amendment.

Section 5. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By 
Frederick C. Conrad
Chief Deputy City Attorney

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06/08/89 COR.COPY
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JUN 19 1989

Passed and adopted by the Council of The City of San Diego on.....
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

(Seal)

By *Maureen O'Connor*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

JUN 06 1989

JUN 19 1989

....., and on

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

(Seal)

By *Maureen O'Connor*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-17314 Adopted JUN 19 1989



1989

MAY 10 1989

89 MAY 10 PM 3:40

CITY CLERK OFFICE
SAN DIEGO, CA

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1989

MAY 10 1989

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PLANNING DEPARTMENT

PLANNING DEPARTMENT

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MAY 10 1989

CERTIFICATE OF PUBLICATION

CITY OF SAN DIEGO
202 C STREET, SECOND FLOOR
SAN DIEGO, CA 92101
ATTN: MAYDELL L. PONTECORVO

IN THE MATTER OF
AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, OF THE SAN
DIEGO MUNICIPAL CODE BY ADDING DIVISION 20, SECTION
101.2001, ESTABLISHING A RECYCLING FACILITIES
ORDINANCE FOR COMMERCIAL AND INDUSTRIAL ZONES.

NO.

ORDINANCE NUMBER 0-17314 (NEW SERIES)

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING DIVISION 20, SECTION 101.2001, ESTABLISHING A RECYCLING FACILITIES ORDINANCE FOR COMMERCIAL AND INDUSTRIAL ZONES.

The proposed ordinance will amend Chapter X, Article 1, of the San Diego Municipal Code by adding Division 20, Section 101.2001, establishing development standards and permit requirements for recycling facilities in commercial and industrial zones.

A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd Floor, City Administration Building, 202 C Street, San Diego, CA 92101.

INTRODUCED ON JUNE 6, 1989

AUTHENTICATED BY: MAUREEN O'CONNOR

Mayor of The City of San Diego, CA

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, CA

(SEAL)

By MAYDELL L. PONTECORVO, Deputy.

Pub. July 3

148901

THOMAS D. KELLEHER

I, _____, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

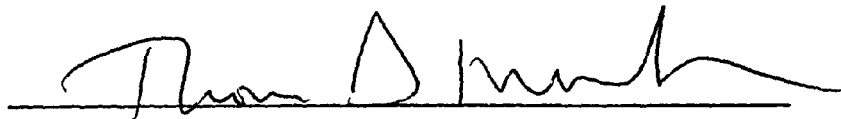
ORDINANCE NUMBER 0-17314 (NEW SERIES)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

JULY 3

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 3 day of JULY, 1989.



(Signature)

2" x 2 x 22.66 = \$47.38