

General Ordinance of Urbanism and Construction is adapted to EPR Law

On April 16, 2024, the Supreme Decree No. 22/2023 from the Ministry of Housing and Urbanism was published in the Official Gazette. This decree amends Supreme Decree No. 47 of 1992 of the Ministry of Housing and Urbanism, General Ordinance of Urbanism and Construction, to align its provisions with the requirements of Law No. 20,920, for the management of waste, extended producer responsibility and promotion of recycling (the "Modification").

Content

The Modification, which refers to the specific requirements and procedures for the location, construction, and acceptance of facilities for the reception and storage of priority product waste ("FRSs"), introduced the following rules:

- 1 Parking lots:** According to the Modification, FRSs that include buildings must have at least one parking lot located within a radius of no more than 25 meters from the nearest reception container. In the case of FRSs located in a property that already has parking lots, additional parking will not be required if they meet the specified distance, and if parking lots for people with disabilities are not used for these purposes.

However, this obligation does not apply to FRSs (i) whose built-up area is less than 50 m², (ii) that are located in areas that allow residential land use and (iii) whose total area of the property on which they are situated is less than 100 m².
- 2 Container-Based FRSs:** Provided they are covered with a protective roof and the height of the cover does not exceed 3.5 meters, the Modification states that these FRSs will not be required to obtain building permits.
- 3 Building permits:** According to the Modification, FRSs that include constructions (including both buildings necessary for their operation and the area of the site exclusively designated for waste management) will require a building permit based on simplified requirements and procedures. These are detailed in the new subsection 8 of Article 5.1.4 of the General Ordinance of Urbanism and Construction ("GOUUC").
- 4 Final reception of works:** A new Article 5.2.6 ter is incorporated, outlining the procedure for the final reception of works intended for the reception and storage of priority product waste. It specifies the accompanying documents for the application and conditions for modifications to the approved project.
- 5 Application of urban regulations:** According to the Modification, FRSs are considered complementary to any land use, subject to the following restrictions:
 - a** FRSs with a built area less than 50 m²: They are exempt from complying with the urban regulations established in the corresponding Territorial Planning Instrument, except for those related to setbacks, maximum height, front yards, ground levels, areas affected by public utility declarations, risk zones, non-buildable areas, and protected zones. These FRSs can be in any zone established by the said Instrument.
 - b** FRSs with a built area between 50 m² and 200 m²: They are exempt from complying with the urban regulations established in the corresponding Territorial Planning Instrument, except for those related to building grouping system, setbacks, maximum height, front yards, ground levels,

This news alert is provided by Carey y Cía. Ltda. for educational and informational purposes only and is not intended and should not be construed as legal advice.

Carey y Cía. Ltda.
Isidora Goyenechea 2800, 43rd
Floor
Las Condes, Santiago, Chile.
www.carey.cl

areas affected by public utility declarations, risk zones, non-buildable areas, and protected zones. These FRSs can only be in zones that allow for equipment use, productive activities, infrastructure, and green areas.

- c** FRSs with a built area exceeding 200 m²: They are exempt from complying with the urban regulations established in the corresponding Territorial Planning Instrument, except for those related to building grouping system, setbacks, maximum height, front yards, ground levels, areas affected by public utility declarations, risk zones, non-buildable areas, and protected zones. These FRSs can only be located in zones that allow for equipment use, productive activities, and infrastructure.

6 Industrial establishments: For the purposes of applying Law No. 20,920 (EPR Law), the GOUC defines an “industrial establishment” as *“any type of industrial building and those installations with similar impact to industrial ones, as stipulated in Article 2.1.28 of this Ordinance. Additionally, it includes commercial equipment buildings intended for enclosed shopping centers, large stores, and supermarkets, as specified in Article 2.1.33 of the same Ordinance.”*

Validity

The changes introduced through the Modification have been in effect since their publication date in the Official Gazette.

AUTHORS: Manuel José Barros, Julio Recordon, Josefina Iglesias, Santiago Edwards.