



**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	2012	2013	2014	2015	2016
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	<b>=====</b>	<b>=====</b>	<b>=====</b>	<b>=====</b>	<b>=====</b>
No. ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included In Current Budget? Yes \_\_\_\_\_ No \_\_\_\_\_

Budget Account No.: Fund \_\_\_\_\_ Department \_\_\_\_\_ Unit \_\_\_\_\_ Object \_\_\_\_\_  
 Reporting Category \_\_\_\_\_

**B. Recommended Sources of Funds/Summary of Fiscal Impact:** There is no fiscal impact associated with agenda. This is a workshop only. However, depending on Board direction there may or may not be applicable fees. The fiscal impact from possible fees is undeterminable at this time.

**C. Departmental Fiscal Review:** *Paul D. [Signature]*

**III. REVIEW COMMENTS**

**A. OFMB Fiscal and/or Contract Dev. and Control Comments:**

*[Signature]* OFMB *AK 9/18/12*  
*[Signature]* Contract Dev. and Control *9/17/12*

**B. Legal Sufficiency:**  
*[Signature]*  
 Assistant County Attorney

**C. Other Department Review:**  
 \_\_\_\_\_  
 Department Director

**Summary:** (Continued from page 1)

If the Board wishes to approve Option 2 or 3, staff has outlined a list of potential amendments and provided recommendations for discussion. Staff recommends moving forward with Option 2, amending the ULDC to reflect current industry practices, primarily addressing: allowing recycling materials to include clothing, shoes, toys, etc; minimum acreage and proportionate parcel size for multiple bin or station locations; identification of the bins/stations being operated by for-profit or non-profit organizations, criteria for sign area and lettering sizes; design requirements relative to vehicle circulation, wind resistance, and appearance; prohibition of overflowing (and sorting while unloading) bins/stations; and removal of illegally "cold dropped" bins/stations. (See Attachment 4). Unincorporated (LWB)

**Background and Policy Issues:** (Continued from page 1).

The industry inquiry involves these uses:

**Recycling Drop-Off Bin (aka Donation Boxes):** The Recycling Bins are the primary focus of this Workshop, and the one where industry has the most issues. Staff has confirmed that illegally placed Bins violate numerous ULDC requirements, and do not have the appropriate Zoning approvals.

Summary of ULDC regulations: A Recycling Bin is a totally enclosed mobile structure (presumably unmanned), containing no more than four cubic yards within which pre-sorted, non-biodegradable recovered materials are collected for redistribution or sale for the purpose of reuse. The owner name or organization and contact number must be clearly delineated on the box, among other standards regulating location, cleanliness or potential for adverse impacts. A maximum of one donation box per material type (glass, aluminum or paper) is permitted per site, in most non-residential Zoning districts, subject to Zoning approval to delineate the location on a Site Plan, or through a Special Permit approval.

**Recycling Collection Station:** In reviewing the Recycling Bins it was noted that there are also Collection Stations within unincorporated PBC County that did not have required Zoning approvals. Goodwill operates several manned Collection Stations and pursuant to the June 29, 2012 public meeting on this topic, has submitted applications to obtain the requisite Zoning approvals.

Summary of ULDC regulations: Similar to Recycling Drop-Off Bins, but slightly larger, allowing for a broader range of "recyclable and recoverable materials". Also limited to no more than one per site and subject to Zoning approval.

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**June 5, 2012 BCC Workshop:** As staff discussed at the BCC Workshop on June 5, 2012, there has been a noticeable increase in the number of illegally installed donation boxes throughout the county since early 2012. It was also noted that many do not appear to be affiliated with traditional charitable organizations, typically associated with donation boxes; it is unclear if goods or profits are retained within the County or exported elsewhere; or, whether or not the owners are charitable or for profit organizations.

**June 29, 2012 Public Meeting:** As requested by the BCC, PZ&B notified known interested parties, and made best efforts to track down others, including owners of illegally placed Recycling Bins or Collection Stations within the County. Notification of the Zoning Public Meeting was provided by mail, e-mail and by posting of a news release on the Zoning Division webpage. (See Attachment 2 for list of attendees and meeting summary).

**Code Enforcement:** Input received from several interested parties stated that several Bin owners install (cold drop) Bins on private property, without consent from property owners or management, much less requisite County approvals. They further noted that efforts to contact Bin owners by using phone or e-mail addresses posted on the Bins, often times go unheeded, leaving the property owner to absorb the cost of removal. This is of particular concern because, if the County proceeds with any Code Enforcement actions, the property owner would be liable for compliance and the liability of removing the Bins. While the County can cite Bin owners who have a business presence within the County, thus

providing relief to property owners with unwanted Bins; it is far more difficult to cite businesses located outside of the County.

U:\Zoning\CODEREV\Research - Central\Recycling Drop Off Bin\2012\7 - BCC Hearings\9-25-12 BCC Workshop\Agenda Item\9-11-12 AI FINAL.docx

Attachment 1



1715 Tiffany Drive East  
West Palm Beach, FL 33407  
Tel: 561.848.7200  
Fax: 561.848.0346  
TDD: 561.848.3806  
[www.gulfstreamgoodwill.com](http://www.gulfstreamgoodwill.com)

Commissioner Shelley Vana  
Chairperson of the Board  
Board of County Commissioners  
Palm Beach County  
301 North Olive Avenue, 12<sup>th</sup> Floor  
West Palm Beach, FL 33401

February 15, 2012

Dear Commissioner Vana:

RE: Proposed Ordinance Amendment to Section 105.2.3, an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, Amending the Florida Building Code 2007, Palm Beach County Code of Laws and Ordinances, providing for the permit of certain Attended, Non-Motorized Donation Collection Vehicles and Donated Goods Centers in Palm Beach County; Providing Severability, Inclusion in the Code and an Effective Date.

Gulfstream Goodwill Industries, Inc., a non-profit organization headquartered in Palm Beach County for over forty-five years. The mission of Gulfstream Goodwill Industries, Inc., assists people with disabilities and other barriers to employment to become self-sufficient, working members of our community. Gulfstream Goodwill Industries has a solid record of putting people to work!

Gulfstream Goodwill Industries relies heavily on the revenue generated by the sixteen Donation Retail Stores located throughout Palm Beach County to help sustain the enormous amount of services and programs provided on a daily basis. With these revenues and the many grants and partnerships on a local, state and federal level, the Board of Directors and professional staff work tirelessly and enthusiastically to ensure the quality of services and programs are maintained to the highest industry standards. The organization's mission benefit the disabled, elderly, youth and homeless individuals with its success being measured by their position performance outcomes.

Our retail store shoppers who have discovered a Goodwill Store can be a wonderful place to find designer name clothing, furniture and housewares at an affordable price also realize by shopping Goodwill, they help those with disabilities and other barriers to employment. Equally important, Palm Beach County residents realize they are helping these same fellow citizens by providing donated goods to the retail stores and the Attended Donation Centers (ADCs) located throughout the county.

Attended Donation Centers (ADCs) are open seven days a week from approximately 8:30 a.m. to 4:30 p.m. with a Gulfstream Goodwill Industries employee present at all times. The centers are



maintained, clean, and environmentally safe. Attendants are trained, courteous and provide a donation receipt for tax deductions upon request.

**Table 1**

<b>People We Serve</b>	<b>Services We Provide</b>
<p><b>Individuals with:</b></p> <ul style="list-style-type: none"> <li>• Physical/Orthopedic Impairments</li> <li>• Hearing and/or Visual Impairments</li> <li>• Learning Disabilities</li> <li>• Cognitive and/or Emotional Impairments</li> <li>• Psychiatric Disabilities</li> <li>• History of Substance Abuse</li> <li>• Brain/Spinal Cord Injuries</li> <li>• Developmental Disabilities</li> </ul> <p><b>Others:</b></p> <ul style="list-style-type: none"> <li>• Youth Transitioning from School to Work</li> <li>• At-risk Youth</li> <li>• Federal and State Parolees</li> <li>• People Searching for Work</li> <li>• People Transferring from Welfare to Work</li> <li>• Homeless Individuals</li> <li>• Injured Workers</li> </ul>	<p>Case Management Vocational Evaluation</p> <p><b>Employment Services:</b></p> <ul style="list-style-type: none"> <li>• Work Experience</li> <li>• Employment Training</li> <li>• Job Placement</li> <li>• Job Coaching</li> <li>• Supported Employment</li> <li>• Apprenticeships</li> </ul> <p>Life Skills Training Social Security Benefits Planning Supported Living Homeless Residential Programs Computer Skills Instruction Youth Services In School/Out of School Mentoring Charter Schools Developmental Disabilities Services Brain Injury Rehabilitation Deaf Services Assistive Technology Information Equipment Loan Closet Referrals Offender Re-entry Services</p>

As a result of both the Goodwill Retail Store shoppers and those who have for years graciously donated their goods to Goodwill Retail Stores and Attended Donation Centers (ADCs), the organization has been able to accomplish so much as indicated in the above table.

The long-term partnership we have with Palm Beach County Government further provides a great example of how important Goodwill programs and services are to our community. Some examples include:

1. Lead agency for the new Homeless Resource Center
2. Goodwill's role as the designated Support Agency for the Palm Beach County Emergency Operations Center's Volunteer and Donation Unit (ESF-15).
3. The important funding partnership with Palm Beach County Division of Human Services for Project SUCCESS Residential Program and case management.
4. The funding partnership with the Palm Beach County Workforce Alliance for Assessment Services at Palm Beach County One Stop Centers and the Out-of-School Youth Program

5. Palm Beach County Department of Community Services funding partnership with Goodwill for Employment Services for the Homeless Residential and Juvenile Justices Services Programs.

Each of the above examples is extremely important programs and services of which Goodwill supplements, matches are provides funding resources from our retail store operations. An overwhelming amount of donations do come to Goodwill by way of the 16 Attended Donation Centers.

Using the above example of Goodwill being the primary support agency for the Volunteer and Donations Unit of Palm Beach County's Emergency Operations Center, the Attended Donation Centers will be key donation sites in the case of a large disaster (i.e. hurricane) in Palm Beach County. These sites serve a great need now as a revenue source for unfunded services and programs and they will serve a great need when the time comes that Palm Beach County activates Goodwill to serve in its capacity as the donation collection agency in time of a disaster for collecting, warehousing and disseminating donate goods.

Attended Donation Centers, as an extremely important donation resource for our citizens, community and this agency are being threatened by for-profit businesses. Many of the businesses are not even located in Palm Beach County and in many cases are not even located in the state of Florida, yet they have no restrictions to dropping boxes off throughout the county. These unattended donation boxes are a threat to helping fund local needs, a risk in time of tropical storm and hurricane related weather and are a violation of public trust in that most donors do not realize these unattended donation boxes are for-profit in the salvage business.

Gulfstream Goodwill Industries recognizes the importance of complying with Palm Beach County code and has always provided management staff to oversee the organization's Attended Donation Centers (ADCs) to ensure the cleanliness, safety and environmental friendly operation of these centers is equal to or above Palm Beach County expectations. Our reputation cannot and will not be tainted by anything less than excellence. Our sustainability, customer service expectations and program participants will not tolerate anything less than excellence at all times.

Unfortunately, in recent years and especially over the last couple of years, an increase in the number of Unattended Donation Boxes (UDBs) has substantially increased. Many of these Unattended Donation Boxes (UDBs) are privately owned by for profit companies. Importantly to note on the issue of non-profit work in Palm Beach County, many of these Unattended Donation Boxes (UDBs) are owned by companies from outside Palm Beach County and in many cases outside the state.

The goods received at Unattended Donation Boxes (UDBs) have no economic impact to Palm Beach County residents and more importantly, they threaten the services and programs of organizations like Gulfstream Goodwill Industries and for those who are most in need within Palm Beach County. Most for profit companies take the donated goods from these Unattended Donation Boxes (UDBs) to warehouses and ship them as salvage, which has become an extremely lucrative business for third world country export.

In almost every instance where Unattended Donation Boxes (UDBs) are located, they are unsightly, unsafe and a threat to the environment in cases where residents may inadvertently place household chemicals, paints and solvents within or around the containers. Many local news stories have been produced over the years substantiating these claims and acknowledging the lack of oversight provides for abuse of a system understood by the public to help people. When abuse and unsightly uses are highlighted by the media, the good work of Goodwill and other nonprofits in Palm Beach County is tainted at no fault of their own.

Gulfstream Goodwill Industries is pleading for the assistance of the Palm Beach County Board of County Commissioners to approve local legislation similar or equal to many other counties around the country and in Florida preventing the use of Unattended Donation Boxes (UDBs) under any circumstances. Residents who donate their goods to nonprofit organizations like Gulfstream Goodwill Industries expect and deserve to know their donation is being used to help those who need their help the most.

Gulfstream Goodwill Industries is a leader in the nonprofit industry and a strong partner with Palm Beach County supporting health, social and human services. As a leader and through the work of our Board of Directors, Gulfstream Goodwill Industries is proposing the attached amendment to Section 105.2.3, an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, Amending the Florida Building Code 2007, Palm Beach County Code of Laws and Ordinances, providing for the permit of certain Attended, Non-Motorized Donation Collection Vehicles and Donated Goods Centers in Palm Beach County; Providing Severability, Inclusion in the Code and an Effective Date.

As a draft proposed amendment change, Gulfstream Goodwill Industries understands there may be other minor amendments the county may have to consider to finalize this requested legislation; however, this is our first step to bring to your attention the severe ramifications Unattended Donation Boxes (UDBs) have on the important work of our organization and others that manage donated goods for the betterment of our county's disabled, elderly, youth and economically challenged. To our organization, the tolerance of Unattended Donation Boxes (UDBs) violates the trust and confidence of those residents who generously donate to help their fellow citizens.

Thank you for your consideration of the attached proposed amendment. Gulfstream Goodwill Industries stands ready to assist Palm Beach County staff in any way possible if necessary to ensure the success of an ordinance that finally prohibits Unattended Donation Boxes (UDBs) in Palm Beach County. An example we hope local municipalities will follow.

Respectfully submitted,



Marvin A. Tanck  
President and Chief Executive Officer

cc: Palm Beach County Vice Chairman and Commissioners  
Bob Wiseman, County Administrator, Palm Beach County



PROPOSED DONATION CENTER BOX ORDINANCE

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING SECTION 105.2.3, CODE OF LAWS AND ORDINANCES OF THE BOARD OF COUNTY, AS AMENDING THE FLORIDA BUILDING CODE 2007, PALM BEACH COUNTY CODE OF LAWS AND ORDINANCES, PROVIDING FOR THE PERMIT CERTAIN ATTENDED, NON-MOTORIZED DONATION COLLECTION VEHICLES AND DONATED GOODS CENTERS IN PALM BEACH COUNTY; PROVIDING FOR LAWS OR ORDINANCES IN CONFLICT; PROVIDING FOR ENFORCEMENT; PROVIDING SEVERABILITY; PROVIDING FOR APPLICABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, "Permits", set forth in Section 105 Palm Beach County Amendments to the Florida Building Code 2007 and Florida Statutes, (hereinafter "statute"), authorizes the Board of County Commissioners (hereinafter "Board") to permit certain Attended, Non-Motorized Donation Collection Vehicles and Donated Goods Centers; and

**WHEREAS**, pursuant to the authority established in that statute, the Board enacted Ordinance 105.2.3 of the Code of Laws and Ordinances relating to the Palm Beach County Government (hereinafter "Ordinance"), which permit certain Attended, Non-Motorized Donation Collection Vehicles and Donated Goods Centers for certain permissible uses as set forth in the statute; and

**WHEREAS**, the Ordinance established a criteria to permit certain Attended, Non-Motorized Donation Collection Vehicles and Donated Goods Centers; and

**WHEREAS**, the Board now wishes to exercise authority to restrict and enforce the unauthorized use of Unattended Non-Motorized Donation Collection Vehicles and Donated Good Centers and Boxes within Palm Beach County; and

**WHEREAS**, the Board now wishes to enforce its permit of certain Attended, Non-Motorized Donation Collection Vehicles and Donated Goods Centers for nonprofits meeting Ordinance criteria to assist in health, social and human services needs in Palm Beach County.

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**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

**Section 105, :** Permits is amended to read as follows:

Section 105.2.3. Donations Collections Bins Prohibited:

- (a) *Donation collection bins prohibited.* It shall be unlawful to deposit, store, keep or maintain or to permit to be deposited, stored, kept or maintained an unattended donation collection bin in or on any lot, parcel or tract of land or body of water in any unincorporated Palm Beach County zoning district. A donation collection bin is hereby defined as a receptacle designed with a door, slot or other opening and which is intended

to accept and store donated items; provided, however, the definition of donation collection bins shall not include non-motorized vehicles which comply with the following criteria:

- (i) The non-motorized vehicles must be operated by an organization which has been incorporated as a not-for-profit organization under the laws of the State of Florida and which has been declared exempt from the payment of federal income taxes by the United States Internal Revenue Service; and
  - (ii) Personnel directly employed by the not-for-profit organization must be present at the non-motorized vehicles at least five days a week (except holidays) to accept donations; and
  - (iii) The donations collected at the non-motorized vehicles and the proceeds thereof must be used only to benefit disabled, elderly, youth or homeless individuals; and
  - (iv) The operation of the non-motorized vehicles, the collection and distribution of donations and proceeds thereof must be conducted by said not-for-profit organization and not by a licensee, subcontractor or agent of the not-for-profit organization.
  - (v) For each non-motorized vehicle said not-for-profit organization shall submit a declaration of use in a form meeting with the approval of the Director in connection with the issuance of a certificate of use and occupancy. Said declaration of use shall specify compliance with the foregoing conditions; and
  - (vi) Non-motorized vehicles which comply with the foregoing criteria are not required to be shown on site plans which are required by the Code to be submitted for approval at public hearing or by administrative review.
- (b) *Designation of enforcement officer.* The Director of the Building and Zoning Department shall designate an enforcement officer who shall be responsible for the removal of donation boxes not in compliance with Code.
- (c) *Notification.* Whenever the enforcement officer ascertains that a donation collection bin is present on any property within unincorporated Palm Beach County, the officer shall cause a notice to be placed on such bin in substantially the following form:

#### NOTICE

This donation collection bin is unlawfully upon property known as (setting forth brief description of location) and must be removed within seventy-two (72) hours from the time of this notice. Failure to remove the bin shall result in the removal and destruction of the bin by order of Palm Beach County.

Dated this: (setting forth the date, time of posting of the notice). Signed: (setting forth name, with the address and telephone number of the enforcement officer). Such notice shall be not less than eight (8) inches by ten (10) inches and shall be sufficiently weatherproof to withstand normal exposure to the elements.

- (d) *Removal of Donation Collection Bin.* If at the end of seventy-two (72) hours after posting of such notice, the donation collection bin has not been removed from the property, the

enforcement officer shall cause the bin to be removed. Said bin shall be impounded and retained for a period of thirty (30) days, during which time the bin owner or authorized agent of the bin owner may recover such bin after paying the costs incurred by Palm Beach County, as hereinafter provided.

- (e) *Assistance of the Palm Beach County Sheriff Department.* If the enforcement officer is unable to successfully remove a donation collection bin subject to seizure under this section, the enforcement officer or his designated representative may secure the assistance of the Palm Beach County Sheriff Department to effect the removal of said bin.
- (f) *Obstructing an enforcement officer in the performance of duties.* Whoever opposes, obstructs or resists the enforcement officer in the discharge of duties as provided in this section, upon conviction, shall be guilty of a misdemeanor of the second degree and shall be subject to punishment as provided by law.
- (g) *Destruction of Donation Collection Bin.* Whenever a donation collection bin remains unclaimed as provided in subsection (d) above, it shall be destroyed by order of Palm Beach County.
- (h) *Recovery of Costs.* All costs incurred pursuant to this section shall be paid by the owner of the donation collection bin. The enforcement officer may institute a suit to recover such expenses against the bin owner.

## Attachment 2

FRIDAY, JUNE 29, 2012 – VISTA CENTER, 9 A.M. – 11 A.M.  
**ZONING DIVISION PUBLIC MEETING SUMMARY**  
**RECYCLING DROP-OFF BINS (AKA: DONATION BOXES) AND COLLECTION STATIONS**  
(UPDATED 9-12-12)

On Friday, June 29, 2012, a Zoning meeting was held at the Vista Center, Kenneth Rogers Hearing Room, VC-1W-47 to address Board of County Commissioners (BCC) direction from the June 5, 2012 BCC Public Hearing (Regular Agenda Item) regarding Recycling Drop Off Bins (aka Donation Boxes) and Collection Stations. The Board directed staff to work with all interested parties and solicit feedback about possible options to address regulations associated with the proliferation of unattended Donation Bins/Collection Stations.

Meeting convened at 9:00 a.m.

### A. Welcome and Introductions

The following interested parties and County staff attended the meeting:

#### Industry/Interested Party

Dean O. Webb, Faith Farm Ministries	Michael Galvin, Better Business Bureau
Quentin Butcher, Vietnam Veterans of America	Austin Pantaleo, Landmark Community Dev.
Thomas Corey, Vietnam Veterans of America	Jacob Yazejian, Service Trading/Charter Recycling
Jerry Klein, Vietnam Veterans of America	Harvey Oyer, Better World Books
Ronda Counes, Gulfstream Goodwill Industries	Greg Rydman, Salvation Army
Frank Grisanty, Gulfstream Goodwill Industries	Kori Tekiela, Reuse Clothes and Shoes
Brian Edwards, Gulfstream Goodwill Industries	Joy Humphries, Peggy Adams Rescue League
Marvin Tanck, Gulfstream Goodwill Industries	Debi Alten, Go Green
Kevin Lagsdan, Gulfstream Goodwill Industries	Jai Katari, Go Green

#### County Staff

Verdenia Baker, Deputy County Administrator	Alan Seaman, Principal Site Planner, Zoning
Rebecca D. Caldwell, PZ&B Executive Director	William Cross, AICP, Principal Site Planner, Zoning
Jon MacGillis, ASLA, Zoning Director	Scott Rodriguez, Site Planner I, Zoning
Bob Banks, Assistant County Attorney	

### B. Background and Summary

A brief background of the origination of the issue and current Code regulations including examples of recycling donation bins and recycling donation centers was presented by staff.

### C. Potential Recommendations for Amendments

Potential recommendations for amendments were outlined, as follows:

1. Take no action (enforce current Code)
2. Consider amendments such as:
  - Require staffing for donation boxes (to include access to bathroom facilities)
  - Only allow donation boxes in conjunction with on-site business
  - Additional regulations on aesthetics
  - Additional sign requirements
3. Prohibit (donation boxes would be limited to brick and mortar businesses)

There was a general consensus for considering recommendation #2. The following were key points, made during the discussion:

- Require Staffing:
  - ✓ In favor of: serves as sorting mechanism, better policing of area, increase customer relations, addresses safety concerns, legitimizes organization or mission.
  - ✓ Opposed: does not make economic sense, health of worker (e.g., weather conditions, bathroom breaks, etc.), does not deter deceit (e.g. donate a t-shirt and submit to IRS for a car), not supposed to sort on site.
- Only allow in conjunction with on-site business:
  - ✓ Opposed: can still get around Code (e.g., sublease the space and put the bin out).
  - ✓ Opposed: does not address bins being cold dropped.
  - ✓ Opposed: this option is more restrictive, could limit potential donors (e.g. person not able to get to donation site), due to the additional expense limiting the locations.
- Additional regulations on aesthetics
  - ✓ Staff outlined several potential recommendations to address noted visual blight, concerns with appearance of Bins or site layout issues with vehicular or pedestrian circulation, parking, including need for designated loading or drop off areas.
  - ✓ There was limited discussion on staff outlined topic.

## Attachment 2

FRIDAY, JUNE 29, 2012 – VISTA CENTER, 9 A.M. – 11 A.M.

### ZONING DIVISION PUBLIC MEETING SUMMARY

#### RECYCLING DROP-OFF BINS (AKA: DONATION BOXES) AND COLLECTION STATIONS

(UPDATED 9-12-12)

- Additional sign requirements  
Staff noted that there were several potential issues with the content, size and coloration of sign lettering, logos or Bin colors.
  - ✓ In favor of:
    - labeling is important for credibility and transparency;
    - minimum and maximum letter sizing should be considered;
    - labels with clear mission should be considered;
    - sticker affixed on each bin with number/sign permit;
    - percentage of where proceeds go should be clear on label (gives citizens the choice on who to donate to);
    - signage is a legitimate regulation;
    - size of the font is an issue; and,
    - location of label affixed to the upper 25 percent of bin (front).
  - ✓ General consensus for labels to be included on the bins indicating “for-profit” or “not-for-profit.”
  
- Other suggestions
  - ✓ Staff noted that multiple sites with illegally placed Bins also exceeded the current limitation of one per site. Inquired that if use was permitted to continue, should additional consideration be given to allowing additional Bins (commensurate with size of property).
    - In favor of: Consider allowing additional Bins on larger developments.
    - Opposed: materials and size of bins should be reconsidered; consider Goodwill Ordinance.
  - ✓ There was a suggestion that additional fees should be considered for each Bin or Collection Station in addition to Zoning Site Plan Approval.

Meeting ended at 11:04 a.m.

ATTACHMENT 3

ULDC ART. 4.B.1.A.104, RECYCLING DROP-OFF BIN  
ART. 4.B.1.A.106, RECYCLING COLLECTION STATION  
(Updated 9/11/12)

1  
2 **ULDC Art. 4.B.1.A.104, Recycling Drop Off Bin (page 78 of 170, Supplement 12)**  
3

4 **104.Recycling Drop-Off Bin**

5 A totally enclosed mobile structure, containing no more than four cubic yards, within which  
6 pre-sorted, non-biodegradable recovered materials are collected for redistribution or sale for  
7 the purpose of reuse, subject to DRO approval. If there is no DRO certified site plan on file  
8 with the Zoning Division, a Special Permit shall be required. [Ord. 2007-001]

9 **a. Mobility**

10 The mobility of a drop-off bin shall be maintained at all times.

11 **b. Location**

12 The drop-off bin shall be located in or adjacent to an off-street parking area, and shall not  
13 be located within required parking space. In TMD and LCC districts, and for IRO  
14 projects, the recycling drop-off bins shall be designed to be consistent with the buildings  
15 design. [Ord. 2010-005]

16 **c. Maintenance**

17 The bin and adjacent area shall be maintained in good appearance and free from litter,  
18 debris, and residue on a daily basis. Failure to maintain a good appearance shall result in  
19 the revocation of the special use permit.

20 **d. Processing**

21 Only limited sorting, separation, or processing of deposited materials shall be allowed on  
22 the site. The unit shall employ no mechanical sorting or processing equipment.

23 **e. Type of Materials**

24 Collection and storage of deposited materials shall be limited to pre-sorted, recyclable  
25 glass, plastic, aluminum and steel containers, paper, newsprint and cardboard.

26 **f. Signage**

27 The name and phone number of a responsible party shall be clearly posted on the drop-  
28 off bin. The name of the organization that is collecting the recyclable materials, if different  
29 than the owner, shall also be posted on the drop-off bin.

30 **g. Number**

31 Only one bin per material type per development, including out parcels, shall be permitted.

32 **h. Recycling Bin**

33 Recycling materials shall be contained within a leak-proof bin or trailer. There shall be no  
34 outdoor storage of materials or refuse.

35 **i. AR/RSA**

36 May be permitted in the AR/RSA District with a SA FLU, subject to DRO approval. [Ord.  
37 2005 - 002] [Ord. 2007-001]

38  
39  
40 **ULDC Art. 4.B.1.A.106, Recycling Collection Station (pages 79-80 of 170, Supplement 12)**  
41

42 **106.Recycling Collection Station**

43 A totally enclosed structure or mobile container, containing more than four cubic yards, within  
44 which pre-sorted, recyclable and recovered materials are collected for redistribution or sale  
45 for the purpose of reuse, subject to Administrative Amendment approval. If no DRO site plan  
46 then Special Permit required. [Ord. 2007-001]

47 **a. TMD and LCC Districts**

48 Shall not be located on a Main Street. [Ord. 2010-005]  
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**Attachment 4**

**Recycling Drop Off Bins  
Potential ULDC Amendments for Discussion**  
(Updated 9-14-12)

#	Issue	Details	Staff Recommendations/Regulations
1	<p><b>NEW</b> <b>ULDC REGULATION</b> <b>PROPOSED BY</b> <b>GOODWILL</b></p> <p><b>Prohibit Unattended Facilities</b></p>	<ul style="list-style-type: none"> <li>▪ Gulfstream Goodwill (February 15, 2012 letter) request to prohibit unattended Recycling Drop-off Bins or Collection Stations, noting that their manned facilities are staffed from 8:30 a.m. to 4:30 p.m. 7 days a week, citing reasons including but not limited to:               <ul style="list-style-type: none"> <li>✓ Creation of local jobs;</li> <li>✓ Revenues are used for services or facilities benefiting the needy in PBC (also references partnerships with the County);</li> <li>✓ Improved vetting of materials received, screening of environmental hazards, guns, knives or other weapons;</li> <li>✓ Facilities and vicinity policed and maintained daily;</li> <li>✓ Donations not acceptable for resale may also be recycled, thus reducing impacts on local landfills; and,</li> <li>✓ Where applicable, non-profits provide receipts for items donated.</li> </ul> </li> <li>▪ For profit industry opposed to request, citing reasons including, but not limited to:               <ul style="list-style-type: none"> <li>✓ Local and out of County jobs also created, with several indicating that fees are paid to property owners;</li> <li>✓ Accommodates green trend and public desire to recycle, providing more options to those who may otherwise place donations in garbage;</li> <li>✓ Reduces materials sent to local landfills;</li> <li>✓ Acceptance of a broader range of materials with less emphasis on condition;</li> <li>✓ Donations are sorted offsite;</li> <li>✓ Claim bins are frequently monitored or emptied to ensure no overflow, including some who maintain through automated systems, coordination with property managers, or provision of contact information; and,</li> <li>✓ Staffing cannot be onsite 24 hours per day thus negating many of the advantages cited by Goodwill.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>▪ PZ&amp;B does not recommend prohibiting unattended Recycling Bins.</li> <li>▪ Enforce existing regulations.</li> <li>▪ Revise existing regulations as outlined below.</li> </ul>

**Attachment 4**

**Recycling Drop Off Bins  
Potential ULDC Amendments for Discussion**  
(Updated 9-14-12)

#	Issue	Details	Staff Recommendations/Regulations
2	<b>Prohibit all Drop-off Bins and Collection Stations</b>	<ul style="list-style-type: none"> <li>▪ Additional non-profit industry recommendation discussed at June 29, 2012 public meeting.</li> <li>▪ Gulfstream Goodwill expressed that this would be an acceptable alternative, if their original request was not granted, in a meeting on August 3, 2012. They felt that this would eliminate the negative aspects cited above.</li> <li>▪ Provides clarity for Code Enforcement.</li> <li>▪ Eliminates nuisance "cold drops" of boxes on sites that have not given permission for their presence.</li> <li>▪ For profit industry opposed for reasons cited in item #1 above.</li> </ul>	<ul style="list-style-type: none"> <li>▪ PZ&amp;B does not recommend prohibiting all Recycling Bins.</li> <li>▪ Enforce existing regulations.</li> <li>▪ Revise existing regulations as outlined below.</li> </ul>
3	<b>Limit Unattended Facilities to Properties Having an On-site Business</b>	<ul style="list-style-type: none"> <li>▪ Additional non-profit industry recommendation discussed at June 29, 2012 public meeting.</li> <li>▪ Would require a larger business presence within a building or bay located on the same property.</li> <li>▪ Similar to proposal to limit to attended stations – as attendants would be available during business hours.</li> <li>▪ For-profit industry opposed for reasons cited in item #1 above.</li> </ul>	<ul style="list-style-type: none"> <li>▪ PZ&amp;B does not recommend consideration of this option. Too difficult to enforce.</li> <li>▪ Enforce existing regulations.</li> <li>▪ Revise existing regulations as outlined below.</li> </ul>
4	<b>NEW REGULATION PROPOSED BY GOODWILL</b>  <b>Limit to Not-for Profit Organizations</b>	<ul style="list-style-type: none"> <li>▪ Gulfstream Goodwill request to limit to organizations with confirmed Internal Revenue Service (IRS) tax exempt status.</li> <li>▪ PZ&amp;B/County Attorney have noted that it is inappropriate to base a Zoning regulation on the form of corporation operating this use.</li> <li>▪ For profit industry opposed for reasons cited in item #1 above.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Based on County Attorney input, staff cannot support limiting Recycling Bins to Not for Profit Organizations.</li> <li>▪ Enforce existing regulations.</li> <li>▪ Revise existing regulations as outlined below.</li> </ul>
<b>Existing ULDC Regulations:</b>			
5	<b>EXISTING ULDC REGULATION</b>  <b>Permitted Zoning Districts (1)</b>	<ul style="list-style-type: none"> <li>▪ ULDC currently limits to Commercial, Industrial, Public and the Agriculture Production (AP) Zoning districts, with provisions allowing in civic or recreational pods of residential PUDs.</li> <li>▪ Special provisions allowing placement in Agricultural Residential (AR) only for properties having a Specialized Agriculture (SA) future land use designation (i.e. allows for limited commercial services in Rural community).</li> </ul>	<ul style="list-style-type: none"> <li>▪ No changes at this time.</li> </ul>



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#	Issue	Details	Staff Recommendations/Regulations
6	<b>EXISTING ULDC REGULATION</b>  Mobility (1)	<ul style="list-style-type: none"> <li>▪ ULDC currently requires that the mobility of the Bin be maintained at all times.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Pending further review of code to address concerns with wind resistance.</li> </ul>
7	<b>EXISTING ULDC REGULATIONS</b>  Location, Maintenance and Processing (1)	<ul style="list-style-type: none"> <li>▪ ULDC currently requires Bins be accessible from off-street parking areas but not within required parking spaces.</li> <li>▪ Also requires Bins "...be designed to be consistent with the buildings design" for certain types of developments (IRO, URA, TMD's).</li> <li>▪ ULDC currently requires that the "Bin and adjacent area be maintained in good appearance and free from litter, debris and residue on a daily basis."</li> <li>▪ ULDC currently limits onsite processing to "...limited sorting, separation or processing..." and "...no mechanical sorting or processing equipment" for Recycling Drop-off Bins and Collection Stations.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Relocate design requirements to new Section – see recommendations below in Design/Architectural Standards.</li> <li>▪ Prohibit processing when donations are emptied or removed from Recycling Drop-off Bins and Collection Stations. Donations should be removed in bulk, and then transported to an appropriate facility for further separation or processing. Such facilities may be located elsewhere on site or off site.</li> </ul>
8	<b>EXISTING ULDC REGULATION</b>  Type of Materials (1)	<ul style="list-style-type: none"> <li>▪ ULDC currently limits to "...pre-sorted, recyclable glass, plastic, aluminum and steel containers, paper, newsprint and cardboard."</li> <li>▪ Industry, as well as Gulfstream Goodwill and other area not-for profit organizations currently collecting broad range of recyclable or re-sellable goods, including but not limited to: clothing, books, toys, furniture, kitchen appliances, and other household goods.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Expand list of types of materials, commensurate with size of Bin or Collection Station and industry practices.</li> </ul>
9	<b>EXISTING ULDC REGULATION</b>  Signage (1)	<ul style="list-style-type: none"> <li>▪ ULDC currently requires that name and responsible party shall be clearly posted.</li> <li>▪ Gulfstream Goodwill requesting that signage clearly indicate for or not-for profit, and prohibition on any misleading logos or terminology (see also "Limit to Not-for Profit Organization" above).</li> <li>▪ Gulfstream Goodwill has also noted use by for profit companies of not-for profit organization color schemes, implying that Bins are used to collect donations for charitable purposes.</li> <li>▪ Staff has noted a need to regulate minimum and maximum sign face areas, letter size and logos, noting that several exceed that permitted for building wall signage.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Establish maximum sign square footage.</li> <li>▪ Establish minimum/maximum letter size or other standards for logos.</li> <li>▪ Establish requirement that Bins or Collection Stations clearly indicate owner/operator is either "For Profit" or "Not for Profit".</li> </ul>

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**Recycling Drop Off Bins  
Potential ULDC Amendments for Discussion**  
(Updated 9-14-12)

#	Issue	Details	Staff Recommendations/Regulations
10	<b>EXISTING ULDC REGULATION</b>  Number (1)	<ul style="list-style-type: none"> <li>▪ ULDC limits to "one" Bin per site.</li> <li>▪ Staff notes the following observations:               <ul style="list-style-type: none"> <li>✓ Limit fails to discern between small properties and larger developments. If permitted, number of Bins should be commensurate with size of property (i.e. Cross County Mall is approximately 42 acres);</li> <li>✓ Most small sites cannot safely accommodate Bins without adversely impacting vehicular or pedestrian circulation; and,</li> <li>✓ Adverse visual impacts can more easily be mitigated on larger properties.</li> </ul> </li> <li>▪ For profit/recycling industry supports increasing maximum number of bins permitted on larger developments, but may be opposed to minimum acreage requirements.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Require a minimum acreage to qualify for one Bin or Collection Station.</li> <li>▪ Permit additional Bins or Stations in proportionate to size of development , not to exceed a maximum of five overall (including combination of Bins or Collection Stations).</li> </ul>
11	<b>EXISTING ULDC REGULATION</b>  Recycling Bin (1)	<ul style="list-style-type: none"> <li>▪ ULDC requires leak proof bin or trailer – prohibits outdoor storage.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Expand to require minimum construction standards such as an all steel or other similar material. Prohibit wood or other flimsy materials.</li> <li>▪ Prohibition on outdoor storage already covered under other general ULDC requirements. Clarify intent to prohibit overnight drop off, overflowing of material, or other as covered under maintenance above.</li> </ul>
<b>ADDITIONAL STAFF PROPOSED REGULATIONS</b>			
12	<b>NEW ULDC REGULATION PROPOSED BY STAFF</b>  Design/Architectural Standards (1)	<ul style="list-style-type: none"> <li>▪ Staff have observed increased adverse visual or other impacts associated with the recent proliferation of Recycling Bins being placed throughout Southeast Florida, and determined that Palm Beach County's existing regulations would benefit from additional site design considerations that would address visual blight, aesthetics, adverse impacts to parking lot circulation or operation, while adhering to Crime Prevention Through Environmental Design (CPTED) principals (i.e. locate in well lit areas, allow for natural surveillance by other customers or business owners, prevent creation of hiding spaces, etc.).</li> </ul>	<ul style="list-style-type: none"> <li>▪ Relocate existing limited "design" requirements, expand to apply to all locations (Zoning districts), and include the following:               <ul style="list-style-type: none"> <li>✓ Minimize impacts to vehicular circulation and parking lots by requiring a designated loading zone or drop off parking space;</li> <li>✓ Require terminal island on either side of designated Bin/Collection Center area to provide additional trees to improve aesthetics and separate use from parking or other; and,</li> <li>✓ Minimize height of any shrubbery or other structures to address CPTED.</li> </ul> </li> </ul>

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#	Issue	Details	Staff Recommendations/Regulations
13	<p><b>NEW REGULATIONS PROPOSED BY STAFF</b></p> <p><b>Code Enforcement (1)</b></p>	<ul style="list-style-type: none"> <li>▪ ULDC establishes provisions for citing Code violations, notice of violations, special procedures for repeat offenders, reasonable timeframes to correct violations, Hearings, and fines, liens or recovery of costs.</li> <li>▪ Unless a business entity has a presence within PBC, violation would be applicable to property owner.</li> <li>▪ Interested Parties have noted that many Recycling Bins have been placed on private property without owner consent.</li> <li>▪ Interested Parties have cited that certain Recycling Bin operators do not respond to requests to remove illegally placed Bins, thus placing a financial burden on property owners to pay for removal.</li> <li>▪ Liens and fines may be assessed to Recycling Bin owners if they have a business within Palm Beach County, regardless of where illegally cited Bins are located (e.g. on others properties).</li> <li>▪ Removal of illegally placed Recycling Bins or Collection Stations pose potential legal ramifications requiring clarification of local Ordinances or other private efforts.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Evaluate solutions to enable property owners to remove cold dropped Drop Off Bins or Collections Stations to address liability, if feasible.</li> <li>▪ Clarify fine amounts for violations.</li> </ul>
<b>Notes:</b>			
(1) Apply to both Recycling Bins and Collection Stations. As noted in the Agenda Item Background and Summary, corrections to additional requirements for Recycling Collection Stations are required to address 2003 scrivener's errors.			