

**POLK COUNTY  
DEVELOPMENT REVIEW COMMITTEE  
STAFF REPORT**

<b>DRC Date:</b> April 16, 2026	<b>Level of Review:</b> Level 4 Review
<b>PC Date:</b> May 6, 2026	<b>Type:</b> LDC Text Amendment
<b>BoCC Date:</b> June 2, 2026	<b>Case Numbers:</b> LDCT-2026-8
June 16, 2026	<b>Case Name:</b> ATMs & Vending Machines
<b>Applicant:</b> Polk County	<b>Case Planner:</b> Ian Nance

<b>Request:</b>	A County-initiated LDC Text Amendment to add standards and definitions for stand-alone vending machines and automated teller machines.
<b>DRC Recommendation:</b>	Approval
<b>Planning Commission Vote:</b>	Approve 5-0

**Among the changes to Chapter 2:**

- Add Section 214 to provide standards for stand-alone ATMs and Vending Machines. Standards provide for location criteria, level of review, setbacks, the use of drive-thru facilities, and limitations to the size of these machines.
- Provides a clause to remove inoperable machines.

**Among the Changes to Chapter 10, Definitions:**

- Adding definition for “Automated Teller Machine, Drive-thru & Stand-Alone.”
- Adding definition for “Vending Machine, Stand-alone”.

**Summary:**

The Land Development Code (LDC) does not have standards pertaining to stand-alone ATMs or vending machines. A drive-thru & stand-alone ATM is a self-service banking terminal designed for customers to perform financial transactions from their vehicles without visiting a bank branch, while a stand-alone vending machine is a drive-up, automated kiosk designed to sell and dispense products, such as ice and/or water, directly to consumers without the need for an onsite salesperson or cashier.

Stand-alone vending has become popular in recent years for their convenience, especially in the case of ice and water vending. They typically utilize unused parking in large retail plazas for easy access for motorists. Stand-alone and drive-thru ATMs, on the other hand, fill a need as financial institutions downsize. As a "stand-alone" unit, both operate independently of other structures, requiring only a standard electrical connection for County permitting purposes.

Neither use fits the category of traditional accessory uses or structures, as they are not always related to the primary use on a site. As such, and without written criteria, the Building and Land Development divisions have had difficulty consistently directing applicants to the correct standards. Currently, they are being processed as new commercial applications through Building and are permitted with acknowledgment from Land Development on whether a Level 2 Review is required for issuance of a permit.

This amendment will formalize this process while providing necessary criteria for location and levels of approval; setbacks and variances; drive-thru facilities; and limitations, including size of the machine, and impacts on parking spaces and vehicular travel within a parking lot. Finally, this amendment will require inoperable machines to be removed or replaced in a timely manner.

Ultimately, while this amendment will add regulations to the LDC, provisions within this ordinance will provide for lessened restrictions, such as with setbacks, and provide clear paths for permitting for both applicants and County staff.

### **Relevant Sections, Policies, and/or Regulations to Consider:**

LDC Table 2.1 Use Table

LDC Section 206 Accessory Uses

LDC Section 303 Conditional Use Criteria

LDC Chapter 4 Special Districts Use Tables

LDC Chapter 5 Green Swamp Area of Critical State Concern

LDC Section 708 Parking Space Requirements

LDC Chapter 10 Definitions

### **Findings of Fact**

- *A County-initiated LDC Text Amendment to add Section 214, Stand-alone ATMs & Vending Machines, to Chapter 2 for standards and definitions for stand-alone vending machines and automated teller machines.*
- *LDC Chapter 10 defines Structure as, “Any building, sign, wall, fence, or similar physical obstruction placed or erected with or without footers or foundation including all other man-made facilities or infrastructures placed upon a piece of property for any purpose.”*
- *LDC Chapter 10 defines Accessory Structure as, “A structure, which is customarily associated with, subordinate in size and incidental in use to the principal structure and located on the same site.”*
- *LDC Chapter 10 defines Accessory Use as, “A use which:*
  - 1. Is clearly incidental to, customarily found in association with, and serves a principal use;*
  - 2. Is subordinate in purpose, area, and extent to the principal use served;*

3. *Is located on the same lot as the principal use, or on an adjoining lot in the same ownership as that of the principal use; and*

4. *Is not the principal use.”*

- *Ice and water vending machines in Florida are regulated primarily by the Florida Department of Agriculture and Consumer Services.*
- *LDC Section 912 allows any property owner, BoCC, or agency to apply to the Department to amend the text of this Code, the text of the Comprehensive Plan, or the Future Land Use Map Series (FLUMS) in compliance with procedures prescribed by the Department.*
- *This application has been reviewed for consistency with applicable Comprehensive Plan and LDC policies.*

The Land Development Division, based on the information provided with the proposed text amendment application, finds that the proposed text change request is **CONSISTENT** with the Polk County Land Development Code and the Polk County Comprehensive Plan. Staff recommends **Approval of LDCT-2026-28**.

### **Analysis:**

It is critical within this amendment to differentiate and define what a stand-alone ATM or vending machine is apart from what might otherwise be considered. These are isolated conveniences typically sited within a developed non-residential development, apart from a primary structure, and which encourage drive-up or drive-thru designs. For ATMs, these are not units found within a gas station, attached to the front of a grocery store, or within a bank drive-thru. Stand-alone vending machines are larger in scale to those that dispense sodas or snacks on the outside of a building. They are retail uses but are un-manned and require little infrastructure aside from a water line (for ice and water vending), electricity, and the use of a couple parking spaces.

Currently, no guidance is provided for applicants or staff for permitting these. Staff has accepted permits in non-residential districts, in conjunction with developed non-residential uses, while applying district setbacks. No engineered site plans have been required, only an electrical permit. However, questions have been raised, again by applicants and staff, about guidelines on the placement of these units and their impact on parking requirements. Setbacks, too, have been a point of concern. Both uses require visibility from the road to be useful to the consumer. Technically, accessory structures are intended to be to the side or rear of the primary structure.

For this reason, staff finds it appropriate to create a section within the LDC tailored towards the success of these uses apart from other accessory structures or uses. Staff is proposing reducing the setbacks from all rights-of-way (ROW) to 15 feet, the least-restrictive ROW setback currently in the Code. This is significant, especially along arterial roadways where setbacks are 50-65 feet, depending on classification. However, along these roads, the ROWs themselves are wide, typically to accommodate utilities, drainage structures, and/or future road widening, and the standard

setbacks push these machines further from the edge of pavement and the attention of motorists creating a burden on placing these machines along these roadways, especially when sited within older developments.

To reduce this setback currently requires a variance approval through the Land Use Hearing Officer (LUHO). On March 26, 2026, the LUHO approved a ROW setback for reduction for an ice vending machine at 2787 Recker Highway. With dual frontages along a Minor Arterial (50-foot-setback) and Urban Collector (35-foot-setback), applying the setbacks would have placed the machine within the drive aisles of the existing retail plaza.

Reducing the setback to 15 provides for more flexibility overall; however, in this case, the request was to reduce the setback from 50 to 5 feet from the Recker Highway ROW. Staff recommended approval of this because between the edge of pavement on Recker and the edge of the parking lot where the ice vending machine was to be placed was an intervening 25-foot-wide drainage swale in the ROW. So, the proposed machine was ultimately set back 30 feet from the edge of pavement.

For future cases, this amendment proposes moving ROW variance approvals for these machines from the purview of the LUHO to Land Development staff based on Variance Criteria currently found in the LDC, the same as how setback variances for signs are approved. Staff advises this since ROW setbacks in commercial districts have less to do with impacts on neighbors and aesthetics, and more about impacts to the layout and infrastructure within a development (parking & vehicular circulation) and in the ROW (drainage). In short, it is a technical review. All other district setbacks (side & rear) will be applied, and variances from these will require LUHO approval due to potential impacts on neighbors.

For ATMs, a trend is emerging as banks downsize to provide for independent cash dispensing kiosks, rather than providing for the traditional ATM at a storefront or as a dedicated lane within a drive-thru financial institution. Again, these are often sited within a developed retail plaza with a drive-thru so motorists do not leave their vehicles. The same setbacks will apply as above, but criteria for a drive-thru facility will be applied.

In reality, the reduction of setbacks will only benefit unusual cases when siting these. Those placed within retail plazas will likely exceed 15 feet from the ROW as they will be placed internal to landscaping buffers, drive aisles, etc. What is important with all of these is to ensure that the placement of vending machines and ATMs do not adversely impact parking requirements and safe vehicular travel. The largest ice vending units are approximately 200 sq. ft. Complete with a foundation and bollards, they typically require the area of approximately two parking spaces. The ordinance prohibits the placement of these units if it decreases the number of parking spots to below what is required by Code for the primary use (s) onsite.

In conclusion, staff and applicants have cobbled together various policies within the Code to allow the permitting of these uses. This ordinance provides clearer instruction for Land Development, Building, and applicants, while reducing some burden on applicants.

## Benefit-cost Analysis of the Amendment

### *Who does it help?*

This amendment will aid staff and applicants in knowing which standards apply for these uses. Currently, staff has relied on interpretations of the Code for permitting purposes. The reduced setback allows for flexibility when siting these uses. An administrative variance reduces the wait time for an applicant to have a right-of-way setback reduction approved, if the variance criteria can be met.

### *Who does it hurt?*

No harm is anticipated by this text amendment, though some might argue that allowing a large vending machine close to the road affects the aesthetics of an area. A larger harm is not having standards within the LDC. This leads to inconsistent application of standards and confusion between staff and applicants.

### *What is the cost?*

Staff finds there should be no fiscal impacts with this amendment.

## Comparisons to other Jurisdictions:

For regulatory comparisons, staff commonly surveys counties along the I-4 corridor; those with a comparable mix of rural, suburban, and urban development like Polk; and the largest cities within Polk. This method of selection creates a survey of 18 total local jurisdictions. The table below reviews standards for stand-alone vending machines and ATM kiosks.

**Table 1**

<b>Jurisdiction</b> <i>(Code citation)</i>	<b>Specific Vending Machine Standards</b>	<b>Specific ATM Kiosk Standards</b>
<b>Alachua County</b>	No	No
<b>Brevard County</b>	No	No
<b>Duval County</b>	Speaks to customary vending machines.	ATMs shall be located inside principal structures to the greatest extent possible.
<b>Hardee County</b>	Outdoor Vending Machines (excludes newspaper racks, payphones, air pumps, vacuum machines, and ATMs). (a) shall be located within a clearly delineated, contained, architecturally screened area. (b) Decorative structures...shall be used to contain the vending machine area if the existing architecture or building form does not already contain a location. (c) Shall be coordinated with the architectural features of the building when possible. (d) Shall not cover up or obscure existing architectural features.	No
<b>Highlands County</b>	No	No
<b>Hillsborough County</b>	Vending machines are a permitted accessory use when located inside a principal establishment or on the sidewalk(s) adjacent to	Listed in Use Table. Lighting requirements per state regulation.

<b>Jurisdiction</b> <i>(Code citation)</i>	<b>Specific Vending Machine Standards</b>	<b>Specific ATM Kiosk Standards</b>
	the exterior wall(s) of the establishment. Vending machines in other locations are regulated as accessory structures.	
<b>Lake County</b>	No	No
<b>Manatee County</b>	No	No
<b>Orange County</b>	Listed in Use Table.	Lighting per state regulation.
<b>Osceola County</b>	No	No
<b>Seminole County</b>	Screening required in special non-residential overlay.	No
<b>Volusia County</b>	No	No
<b>Auburndale</b>	No	No
<b>Bartow</b>	No	No
<b>Haines City</b>	Under "Outside Operations." A site plan shall be provided distinguishing the proposed outdoor display area and the items proposed outdoor display, i.e. vending and/or ice machines.	No
<b>Lakeland</b>	Prohibited in Neighborhood Convenience Centers	No
<b>Lake Wales</b>	Vending machine shelters that serve the public...may be located within the front yard, but no closer than 15 feet to the front property line.	No
<b>Winter Haven</b>	No	No

Mostly, the jurisdictions surveyed did not address the uses proposed in this amendment. References to vending machines had more to do with traditional "snack machines," newspaper vending, or roadside produce vending. This is not to say these vending machines and ATMs are prohibited, rather they are lumped under accessory structures, accessory uses, or outdoor sales/retail.

For instance, the city of Lakeland considers these to be accessory structures which must meet the setbacks for accessory structures. There must be a primary commercial structure already on the property, and they cannot be in any required parking space or vehicle use area like where the waste collection truck needs to access the solid waste bin.

### **Limits of the Proposed Ordinance**

This amendment applies to non-residential Future Land Use districts, including in the Green Swamp Area of Critical State Concern.

The Florida Department of Commerce requires a 45-day review on all policy changes affecting development in the Green Swamp Area of Critical State Concern regardless of whether it has a direct relationship to the primary purpose of the Critical Area, which is aquifer recharge and protection. Therefore, this request will be reviewed by the state. Staff believes that this amendment will have no impact on the Critical Area.

These standards are being created and implemented in order to protect the public health based on unique conditions arising from the location of these facilities (flow of traffic, pedestrian safety, etc.) and the County's interest in promoting the health, safety and welfare of its residents and

visitors. Nothing in these LDC provisions are intended to circumvent, conflict with or supersede the requirements and restrictions of Section 500.459 or 500.511(3), Florida Statutes.

**Consistency with the Comprehensive Plan & Land Development Code**

The request is consistent with the Comprehensive Plan and the Land Development Code. This is reconfiguring standards already applicable in the Code.

**Comments from Other Agencies:** This text amendment was reviewed by members of the Development Review Committee without further comment.

**Draft Ordinance:** Under separate attachment