

ORDINANCE NO. 26-_____

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING LAND DEVELOPMENT CODE AMENDMENT LDCT-2026-8, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE, ADDING CHAPTER 2, SECTION 214, FOR STANDARDS FOR STAND-ALONE VENDING MACHINES AND AUTOMATED TELLER MACHINES; CHAPTER 10, DEFINITIONS, TO ADD DEFINITIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section I(g) of the Constitution of the State of Florida and the Community Planning Act, Chapter 163, Part II, Florida Statutes (FS), as amended, (the Act) Polk County is authorized and required to adopt Land Development Regulations consistent with the Polk County Comprehensive Plan; and

WHEREAS, the Board of County Commissioners adopted said Land Development Regulations on March 1, 2000, titled the Polk County Land Development Code; and

WHEREAS, Chapter 9, Section 903 of the Land Development Code requires Land Development Code Amendments to be a Level 4 Review; and

WHEREAS, Chapter 9, Section 907 sets forth the purpose and review process for Level 4 Reviews; and

WHEREAS, pursuant to Section 125.67 of the Florida Statutes, every ordinance shall embrace but one subject and matter properly connected therewith; and

WHEREAS, pursuant to Section 163.3164 of the Florida Statutes, the Polk County Planning Commission conducted a public hearing, with due public notice having been provided, on the proposed Land Development Code Amendment on May 6, 2026; and

WHEREAS, the proposed text amendment to the Polk County Land Development Code to add standards for stand-alone ATMs and vending machines; and

WHEREAS, the Board of County Commissioners held two public hearings on June 2, 2026, and June 16, 2026, wherein the Board reviewed and considered the Planning Commission's recommendation, the staff report, and all comments received during said public hearings, and provided for necessary revisions; and

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Polk County, Florida that:

NOTE: The underlined text indicates proposed additions to the current language. The ~~strikeout~~ indicates text to be removed from the current ordinance.

SECTION 1: FINDINGS The Board hereby finds and determines that:

- a) The findings set forth in the recitals to this Ordinance are true and correct and hereby adopted.
- b) The Planning Commission, acting in its capacity as the Local Planning Agency for the County, held a public hearing on May 6, 2026, to consider the LDC text amendments contained within Application LDCT-2026-8 and found them to be consistent with the Comprehensive Plan and recommended that the Board adopt the LDC Text Amendment contained within Application LDCT-2026-8.
- c) The adoption of LDCT-2026-8 is consistent with the Comprehensive Plan and LDC.

SECTION 2: Chapter 2, Section 214, Stand-alone ATMs & Vending Machines, of the Polk County Land Development Code, Polk Ordinance No. 00-09, as amended, is hereby amended in the following manner:

Section 214 - Stand-alone ATMs & Vending Machines

The section is intended to provide for the permitting of stand-alone & drive-thru Automated Teller Machines (ATMs) and stand-alone vending machines. These units operate independently of other structures onsite, typically requiring only a standard electrical connection and a specific, stationary location usually within a parking lot of an established non-residential development.

These following standards are intended to protect the public health based on unique conditions arising from the location of these facilities (flow of traffic, pedestrian safety, etc.). These provisions are not intended to circumvent, conflict with, or supersede the requirements and restrictions of Section 500.459 or 500.511(3), Florida Statutes.

A. Location

- 1. Stand-alone ATM kiosks and vending machines may be located and permitted within a developed non-residential property through a Level 1 Review.
- 2. Stand-alone ATM kiosks and vending machines may be located and permitted on a vacant non-residential property as a primary use, subject to LDC Section 704. Minimum requirements include a commercial vehicle driveway apron and Type "A" landscaping unless stricter standards apply.

B. Setbacks

- 1. Stand-alone ATM kiosks and vending machines, including the supports of awnings and/or coverings, shall be set back a minimum of 15 feet from public rights-of-way. Side and rear setbacks shall follow the land use district requirements.
 - i. Right-of-way setback variances may be granted in accordance with criteria found in Section 931 and approved or denied by the Land Development Division Development Review Committee.
 - ii. Side and rear setback variances shall be approved or denied by the Land Use Hearing Officer in accordance with LDC Sections 930 and 931.

2. No stand-alone ATM kiosk or vending machine shall be located within 50 feet of the property line of a residentially-developed or residentially-designated property.

C. Limitations

1. All uses in this Section with a Drive-thru Facility shall adhere to the standards in Section 206.T.
2. If any use under this Section is located within an established parking area, it shall neither reduce the overall number of parking spaces below the minimum required for the principal use (s) of the property, nor have a material adverse effect on the overall traffic circulation of the parking area.
3. Individual kiosks and vending machines are limited to no more than 220 sq. ft., not including space required for foundations, bollards, canopies, and awnings.
4. All kiosks and vending machines shall remain in operable condition. Damaged or inoperable machines shall be repaired, replaced, or removed. If a unit is removed, the site shall be restored to its original condition and purpose as approved by the site plan of the underlying development.

SECTION 3: Chapter 10, Definitions, of the Polk County Land Development Code, Polk Ordinance No. 00-09, as amended, is hereby amended in the following manner:

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AUTOMATED TELLER MACHINE, DRIVE-THRU & STAND-ALONE: A drive-thru & stand-alone automated teller machine (ATM) is a self-service banking terminal positioned on an island or at the edge of a parking lot and designed specifically for customers to perform financial transactions from their motor vehicles without visiting a bank branch.

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VENDING MACHINE, STAND-ALONE: 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. As a "stand-alone" unit, it operates independently, requiring only a standard electrical connection and a specific, stationary location typically within a parking lot of an established non-residential use. These do not include standard vending machines located within a store or along the storefront.

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SECTION 4: SEVERABILITY

If any provision of this Ordinance is held to be illegal, invalid, or unconstitutional by a court of competent jurisdiction the other provisions shall remain in full force and effect.

SECTION 5: EFFECTIVE DATE

This ordinance shall become effective upon filing with the Department of State.

ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY,
FLORIDA this 16th day of June 2026.