



## **Navigating land use for remote drive-through facilities**

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Drive-through lanes offer convenience and reduced transaction times to bank and pharmacy customers. Often, however, it may be almost impossible for a business leasing or purchasing an in-line shopping center space to install a traditional drive-through lane. Banks and pharmacies often must choose to sacrifice a promising location in a shopping center or forego its customer-friendly drive-through services.

The remote drive-through facility provides a possible solution. A remote drive-through is a detached drive-through terminal, such as a bank teller or ATM lane, placed in the parking lot of a shopping center and attached to the in-line business by a pneumatic tube. Although remote drive-through facilities may be attractive to businesses and their customers, securing land use approvals may be more difficult than for a traditional drive-through facility.

### **Use Considerations**

The first issue is whether remote drive-through facilities are permitted as-of-right or as an accessory use under local zoning regulations. Often drive-through services, but not remote services, are permitted as an accessory use. In those instances, applicants should assert that remote drive-through services have the same purpose and functionality as traditional drive-through facilities, except that they are detached from the principal use. It is also common for local zoning regulations to be silent regarding drive-through facilities. In those instances, applicants should determine if the regulations permit accessory uses that are "customary and incidental" to a permitted principal use. To the extent that drive-through facilities, including remote facilities, are not expressly permitted as a principal or accessory use, no "customary and incidental" language exists to rely upon, or drive-through facilities are expressly prohibited, a use variance will be required to permit such facilities.

### **Other Variances**

The location of the remote drive-through facility in a parking lot may trigger multiple variances. For example, some municipalities prohibit accessory structures in the front or side yards. In addition, the facility's construction often eliminates parking spaces, which may trigger a variance if the shopping center has little parking to spare.

### **Site Plan Concerns**

Even if the applicant does not require variances, it likely will require site plan approval. The reviewing board may be concerned about the interior traffic flow of the shopping center and the proximity of the facility to the center's entrance and exit points. A board also may worry that the new driveways in the parking area may upset pedestrian traffic and raise safety issues.

### **Conclusion**

Remote drive-through facilities offer many benefits to land use applicants and consumers alike. However, land use applicants must be familiar with local zoning regulations early in the land use

review process to avoid or successfully defend against potential use or site-related roadblocks.

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