ARTICLE

**Retail Corridor 3 (RC3) Zoning Use District**

**[Added XX-XX-20XX by Local Law No. XXXX]**

**Purpose & Intent.**

The intent of the Retail Corridor 3 Zoning Use District is as a low-level zoning profile supporting local, regional, and national product and service retailers along New York State (NYS) thoroughfares (NYS Route 5 East-West to the Village limits & NYS Route 28 from the intersection with Route 5 and North to the Village limit) as outlined in the Village of Herkimer Master Plan 2020. Parking lots are supported with road traffic controls of speed and pedestrian crossing. There is no residential profile allowed.

**Uses.**

In the RC3 Zoning Use District, no building, structure, or premises shall be used or arranged or designed to be used, and no building or structure shall be hereafter erected, reconstructed, or altered, unless otherwise provided in this chapter, except for the following permitted uses or specially permitted uses and their customary accessory uses:

1. Permitted uses:
   1. Automobile Maintenance/Major Repair
   2. Automobile Maintenance/Minor Repair
   3. Automobile Parts & Accessories
   4. Automotive Sales
   5. Banks
   6. Business Support Services
   7. Fitness Studio
   8. Florist
   9. Furniture, Fixtures, and Appliance Sales
   10. Market, Grocery or Supermarket
   11. Movie Theater (Indoor)
   12. Music Shop
   13. New Merchandise Sales - Greater than 80,000 square feet
   14. New Merchandise Sales - Less than 80,000 square feet
   15. Offices, Administrative, Business & Professional
   16. Offices, Medical & Dental
   17. Pet Stores & Pet Supplies
   18. Photo/Video/Electronics
   19. Recreational Vehicle, Boats, Trailer Sales
   20. Restaurants, Counter Service
   21. Restaurants, Table Service
   22. Retail Stores
2. Special permit uses:

Specific design and operational conditions may be imposed with approval of a special permit use to reduce potential impacts on surrounding properties, such as regulating the hours of operation, requiring security lighting, and being required to provide sufficient outdoor trash receptacles and implement regular cleanup procedures to reduce potential litter.

* 1. Automobile Rental
  2. Bar
  3. Building and Landscape Materials
  4. Commercial Recreation
  5. Community Center/Banquet Hall
  6. Consignment Shop
  7. Hotel/Motel
  8. Hotel/Motel - Extended Stay
  9. Market, Convenience
  10. Parking Facility, Non-Residential
  11. Service Station
  12. Tobacco Sales (Specialty) & Smoke Shops
  13. Used Merchandise Sales

1. Accessory uses
   1. Accessory uses shall include those uses customarily incidental to any of the above permitted uses or specially permitted uses when located on the same lot.
2. Prohibited uses:
   1. Adult Entertainment Establishments
   2. Industrial & Manufacturing
   3. Public Safety Facility
   4. Government Facilities
   5. Residential (including any combination of residential and nonresidential uses in any building or structure or on any lot)

**Lot, yard, bulk and height requirements.**

1. No buildings shall be erected nor any lot or land area utilized unless in conformity with the Zoning Schedule incorporated into this chapter by reference and made a part hereof with the same force and effect as if such requirements were herein set forth in full as specified in said schedule, except as may be hereafter specifically modified.
2. New buildings in the RC3 Zoning Use District shall comply with the lot, yard, bulk and height requirements of the Zoning Schedule. However, the Planning Board shall have discretion during site plan approval to grant variances based on the contextual pattern of nearby commercial or residential properties, so as to maintain a unified standard throughout the village.

**Supplementary guidelines.**

The Design and Parking Standards listed in the provisions below (Subsections A and B of this section) are intended as a guide or measure for improvements in parcels in this zoning district, and the word "shall" recited in the provisions below is intended to obtain compliance with the provisions to the extent practical as determined by the Board responsible for review.

1. Design Standards.
   1. The proposed architecture (including that of a franchise business) shall be complimentary to the design of surrounding buildings, even if those buildings are in a separate Zoning Use District. Freestanding buildings within shopping centers shall include common design elements with the principal structures in the center.
2. Parking Standards.
   1. The number of off-street parking spaces in the RC3 Zoning Use District shall be provided in accordance with the approved Parking Standards.
   2. Shared parking lots with cross-access agreements are encouraged so as to allow drivers to park in one lot and walk to other businesses without moving their cars, or to drive from one lot to another without returning to the street.
3. Additional Requirements
   1. N/A