

Section 1322.12, Old Town Mixed Use Commercial (OT-MUC) District

The following regulations govern land Use within the Old Town Mixed Use Commercial (OT-MUC) District:

- (A) *Purpose.* The purpose of the OT-MUC District is to recognize the diversity of existing Uses and provide for a wide range of Uses in a manner that strengthens Charles Town's urban core, contributes to its historic character, minimizes impacts on adjacent land Uses, and provides connections to annexed properties. The OT-MUC District shall include the areas formerly consisting of NC, OR, GC, CBD, and I Districts. The OT-MUC District will accommodate the Uses previously allowed in the individual districts because the OT-MUC District is designed to provide the flexibility and variety in one Zoning District that was previously provided by five districts.

The OT-MUC District furthermore fosters a greater opportunity for creative Infill Development and Redevelopment by encouraging a mix of Uses compatible with existing and neighboring properties and providing housing and business Uses in locations where City services are available. The intent is also to encourage interaction among activities located within the OT-MUC District, to enhance business vitality, reduce vehicular traffic, increase access to and the use of transit services, provide employment opportunities for residents close to home, ensure the compatibility with each of the Commercial and residential Uses, ensure that the appearance and effects of Buildings and Uses are harmonious with the character of the area in which they are located by:

1. Allowing a diversity of Uses in close proximity in the OT-MUC District within a limited area, including residential, retail, office, and industrial;
2. Preserving and restoring the overall character of the OT-MUC District;
3. Promoting a balance of land Uses;
4. Promoting the opportunity for people to work, interact, shop, dine, and utilize business and public services in the vicinity of their residences;
5. Providing opportunities for the development of affordable housing;
6. Providing opportunities for a mixture of Uses in the same Building;
7. Promoting a positive pedestrian environment in the OT-MUC District;
8. Facilitating integrated physical design;
9. Promoting a high level of design quality;
10. Encouraging the development of flexible space for small and emerging businesses;
11. Facilitating development proposals responsive to current and future market conditions; and

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12. Encouraging the development of Open Spaces and Parks within the OT-MUC District to accommodate workers, residents, pedestrians and shoppers;
- (B) *Bulk and Area Regulations.* Table 1322.12 specifies the bulk and area regulations for the OT-MUC District, which include standards applicable under the Charles Town Subdivision and Land Development Ordinance. The following provisions also apply:
1. The Planning Commission may impose specific bulk and area conditions to ensure any new construction, including Infill Development, or expansion of an existing Structure is built in a manner that is supportive of existing and adjacent development. This includes imposing appropriate minimum and maximum bulk and area requirements for any expansion or new development if the Commission determines it is necessary to maintain the urban character of the neighborhood. This shall also include setting conditions to ensure the exterior appearance of such development is consistent with the general character of the area, including scale and mass of the Building, arrangement of windows, pitch of roof and type of siding material; and
 2. The Planning Commission may also reduce the minimum number of parking spaces required for property involving two or more Uses where *the respective peak* parking demands may reasonably be expected to *alternate* and *where* shared parking is feasible, provided, however, that a mutually acceptable shared parking agreement *shall be executed between the Users.*
- (C) *Uses.* Table 1322.04 specifies the principal Permitted Uses and Special Exception Uses for the OT-MUC District. Supplemental Regulations outlined in Section 1323 shall apply accordingly.
- (D) *Parking and Loading Standards.* Section 1333.23 of the Charles Town Subdivision and Land Development Ordinance sets forth the minimum off-street parking requirements and other standards applicable to Uses permitted in the OT-MUC District, which requirements and standards are incorporated herein by reference.

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Table 1322.12, OT-MUC District Bulk and Area Regulations

Maximum Density	No Requirement
Minimum Lot Size	2' width to 3' depth Ratio
Minimum Lot Width	20 feet
Minimum Front Yard Setback	0 feet or Front Setbacks shall be more than the average Setbacks of three Adjacent Properties to each side. ²
Minimum Side Yard Setback	0 feet (20 feet where adjoining a residential district)
Minimum Rear Yard Setback	No Requirement
Maximum Lot Coverage	90 percent
Minimum Required Open Space	No Requirement
Maximum Building Height	55 feet
Maximum Stories	4 stories

⁽¹⁾ Legal Non-conforming Structures that are destroyed by fire and/or natural disaster are permitted to be rebuilt in their previous area and bulk configuration.

⁽²⁾ In situations where there are not three (3) contiguous properties to either side of the subject property, where possible, reviewing the front setbacks in the next block on the same side of the street shall be considered. In locations where there are no structures in the contiguous block or if the block pattern changes significantly, the intent and spirit of the Zoning Ordinance is to maintain consistency and compatibility within the block where the structure is to be located. Examining the front setbacks across the street from the subject parcel is a reasonable alternative in so much that compatibility within the block is maintained. Discretion in determining the front setback to achieve the character and compatibility resides within the duties of the Zoning Administrator.

(E) *Design Standards.* The design standards specified under Section 1333.29 of the Charles Town Subdivision and Land Development Ordinance shall apply to the OT-MUC District.