

CHAPTER 2.09 “CB” CENTRAL BUSINESS OVERLAY DISTRICT

Section 2.09.01. Intent.

The intent of the “CB” Central Business Overlay District is to accommodate mixed-use buildings with neighborhood-serving retail, service, and other uses on the ground floor and residential units above the nonresidential space by utilizing pedestrian-oriented, storefront-style shopping streets thereby promoting the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction.

Section 2.09.02. Establishment/Delineation/Regulation of the “CB” Central Business Overlay District.

Boundaries for the “CB” Central Business Overlay District are shown on the “CB” Central Business Overlay District Map as referenced in Section 1.02.01. The “CB” Central Business Overlay District Map is hereby adopted by reference as part of these regulations as if the map was fully described herein.

Any proposed project within the “CB” Central Business Overlay District which is denied by the Building Official or Planning Commission may be appealed to the Board of Adjustment.

Section 2.09.03 Applicability.

The provisions of this Chapter shall apply to any project on a lot or parcel in the “CB” Central Business Overlay District as described herein.

The “CB” Central Business Overlay District may be expanded to include other areas as recommended by the Comprehensive Land Use Plan of the City of Gary or other ancillary studies by recommendation of the Planning Commission and action of the City Commission.

Where the provisions of Chapter 2.09 conflict with other provisions of this Title, the provisions of Chapter 2.09 shall prevail.

Standards, uses, and regulations not addressed in Chapter 2.09 shall be regulated as defined elsewhere in this Title.

Section 2.09.04. Permitted Uses.

The following uses and structures shall be permitted in the “CB” Central Business Overlay District:

1. Permitted Uses in the “CB” Central Business Overlay District include all Permitted Uses in the underlying district which each respective lot is located.
2. Multi-family dwelling units within the same structure as another listed permitted or conditional use which are not directly entered from the ground floor provided the underlying district is C-1 – General Commercial.

Section 2.09.05. Permitted Accessory Uses.

The following accessory uses and structures shall be permitted in the “CB” Central Business Overlay District:

1. Accessory uses and structures customarily incidental to permitted uses.

Section 2.09.06. Special Permitted Uses.

The following special permitted uses and structures shall be permitted in the “CB” Central Business Overlay District:

1. Special Permitted Uses in the “CB” Central Business Overlay District include all Special Permitted Uses in the underlying district which each respective lot is located.

Section 2.09.07. Conditional Uses.

The following uses may be permitted as a Conditional Use in the “CB” Central Business Overlay District by the Board of Adjustment, subject to such requirements as the Board deems necessary to protect and promote the health, safety and general welfare:

1. Conditional Uses in the “CB” Central Business Overlay District include all Conditional Uses in the underlying district which each respective lot is located.
2. Outdoor storage of equipment, machinery, raw materials, or finished products for any permitted or conditional use on the same lot subject to screening requirements determined necessary by the Board of Adjustment.

Section 2.09.08. Area/Construction Regulations.

Minimum lot area, maximum building height, maximum lot coverage and minimum yard requirements in the “CB” Central Business Overlay District shall be regulated in accordance with the following tables:

Table 2.09.08.1

	Minimum Lot Area	Minimum Lot Width	Maximum Height
Commercial Uses	<i>no minimum</i>	<i>none</i>	45'
Mixed Commercial and Residential Uses	<i>no minimum</i>	<i>none</i>	45'
Residential Uses*	10,000 square feet	<i>none</i>	45'
Conditional Uses	To be determined by the Board of Adjustment		

*Also applies to conversion of commercial structure to residential use (without commercial use in same structure.)

Table 2.09.08.2

	Minimum Front Yard		Minimum Rear Yard		Minimum Side Yard	
	Adjacent to 1 st Ave., Main Ave., Coteau St., & Summit St.	Adjacent to all other streets	Adjacent to Industrial, Ag, or Commercial Districts	Adjacent to and Shared with Residential Districts	Adjacent to Industrial, Ag, or Commercial Districts	Adjacent to and Shared with Residential Districts
Permitted Uses	0'	5'	5'	30'	5'	30'
Conditional Uses	To be determined by the Board of Adjustment					

Section 2.09.09 Performance Standards.

1. Because of the range of land uses permitted within the in the “CB” Central Business Overlay District, other design standards may be considered for Conditional Uses, major amendments, or final development plans.
2. Any additional standards shall be designed to eliminate or offset potential negative impacts to the landscape of this district which may result from development.