

REGULAR MEETING

The Common Council of the City of Indianapolis, met in the Council Chamber, Monday evening, November 6, 1922, at 7:30 o'clock in regular session, President Theodore J. Bernd in the chair.

Present: The Hon. Theodore J. Bernd, President of the Common Council, and eight members, viz: Messrs Bramblett, Buchanan, Clauer, Claycombe, King, Ray, Thompson and Wise.

Mr. Clauer moved that the reading of the Journal be dispensed with. Carried.

COMMUNICATION FROM THE MAYOR.

October 17, 1922.

To the President and Members of the Common Council of the City of Indianapolis, Indiana:

Gentlemen—I have today approved, signed and delivered to John W. Rhodehamel, City Clerk, the following Ordinances:

GENERAL ORDINANCE No. 91, 1922—An Ordinance approving a certain contract granting Goldsmith Iron & Supply Co., the right to lay and maintain a sidetrack or switch from the C. C. C. & St. L. Ry. Co., across Neal Street, etc., to their land according to blue print attached, in the City of Indianapolis, Indiana.

GENERAL ORDINANCE No. 92, 1922—An Ordinance amending Clause C., of Section 4 of General Ordinance No. 70, 1921, an Ordinance amending Section 294 of General Ordinance No. 12, 1917, and fixing a time when the same shall take effect.

GENERAL ORDINANCE No. 99, 1922—An Ordinance amending General Ordinance No. 76, 1920, fixing the salary of the City Clerk and Assistant City Clerks, appropriating the sum of Seventy Dollars (\$70.00) to the Salary Fund of the City Clerk under the Department of Finance and fixing a time when the same shall take effect.

GENERAL ORDINANCE No. 102, 1922—An Ordinance approving a certain contract granting The Cleveland, Cincinnati, Chicago & St. Louis Ry. Co., the right to lay and maintain a sidetrack or switch from C. C. C. & St. L. Ry. tracks over and across Walnut and St. Clair streets, according to blue print attached, in the City of Indianapolis, Indiana.

APPROPRIATION ORDINANCE No. 36, 1922—An Ordinance appropriating the sum of Four Hundred Eighty-four and Eighty Hundredths (\$484.80) to and for the use of the Department of Public

Works to the fund known as the "Assessments, Erroneous Fund" more commonly known as the "Erroneous Assessment Fund" under the City Civil Engineer in the Department of Public Works for the purpose of paying an assessment for permanent improvement of Rookwood Avenue from Maple Road to Forty-third Street, and declaring a time when the same shall take effect.

APPROPRIATION ORDINANCE No. 37, 1922—An Ordinance appropriating the sum of Two Hundred Thirty-six and four Hundredths (\$236.04) Dollars to and for the use of the Department of Public Works to the Fund known as the "Assessments, Erroneous Fund" more commonly called the "Erroneous Assessment Fund" under the City Civil Engineer in the Department of Public Works for the purpose of paying an assessment allowed by the Board of Public Works against the City of Indianapolis for curb, grading and gutters in Rookwood Avenue from Maple Road to Forty-third Street and declaring a time when the same shall take effect.

APPROPRIATION ORDINANCE No. 38, 1922—An Ordinance appropriating the sum of Two Thousand Five Hundred and Sixty-three and 68-100 (\$2,500.68) Dollars to and for the use of the Department of Public Works to the Fund known as the "Assessments Against the City of Indianapolis Fund," and declaring a time when the same shall take effect.

APPROPRIATION ORDINANCE No. 39, 1922—An Ordinance appropriating the sum of Six Hundred (\$600.00) Dollars to the Special City Judges' Fund, of the Department of Finance, and declaring a time when the same shall take effect.

SPECIAL ORDINANCE NO. 20, 1922. An Ordinance authorizing the sale of certain personal property of the City of Indianapolis, by and through its Board of Public Safety and declaring a time when the same shall take effect.

Very truly yours,

S. L. SHANK,
Mayor.

REPORTS FROM CITY OFFICERS

From the City Controller:

November 6, 1922.

To the President and Members of the Common Council of the City of Indianapolis, Indiana:

Gentlemen—I herewith hand you a communication from the Board of Public Works asking for the passage of an Ordinance appropriating the sum of Thirteen Thousand and Two Hundred (\$13,200.00) Dollars to a fund to be known as "Construction of a Concrete Pier to Replace Present North Pier of the Bridge Over White River at Harding Street," for the purpose of building a new concrete pier to replace the old one which has been undermined and is in an unsafe condition.

I recommend the passage of this Ordinance.

Yours truly,

JOS. L. HOGUE,
City Controller.

November 6, 1922.

To the President and Members of the Common Council of the City of Indianapolis, Indiana:

Mr. Joseph L. Hogue,
City Controller, Indianapolis, Ind.

Dear Sir—I am directed by the Board of Public Works of the City of Indianapolis, to submit for your approval and transmission to the Common Council, an Ordinance appropriating the sum of Thirteen Thousand and Two Hundred (\$13,200.00) Dollars to a fund to be known as "Construction of a Concrete Pier to Replace Present North Pier of the Bridge over White River at Harding Street" for the purpose of paying for the construction of a new concrete pier to replace the old one which has been undermined, and is in an unsafe condition.

Yours truly,
GEO. O. HUTSELL,
Clerk, Board of Public Works.

To The Board of Public Works,
City of Indianapolis.

Gentlemen—There is attached fifteen copies of an ordinance appropriating \$13,200.00 to a fund to be known as "Construction of a concrete Pier to replace present north pier of the bridge over White River, at Harding Street." Would recommend that this ordinance be approved and forwarded to Controller for his approval and transmission to the Common Council.

Yours truly,
J. L. ELLIOTT
City Civil Engineer.

To the President and Members of the Common Council of the City of Indianapolis, Indiana:

Gentlemen—I am sending you herewith a communication from the Board of Public Safety requesting the appropriation of the sum of Forty-five (\$45.00) Dollars to the Department of Finance for the purpose of paying appraisers appointed by the Judge of the Marion Circuit Court to appraise certain personal property belonging to the City of Indianapolis in the possession and care of said Board. Which property was no longer fit for the purpose for which it was intended.

I submit you herewith, an odrinance calling for said appropriation, and recommend its passage.

Yours very truly,
JOS. L. HOGUE,
City Controller.

Mr. Joseph L. HOUGE,
City Controller,
Indianapolis.

Dear Sir—Attached hereto you will find an ordinance calling for appropriation of Forty-five (\$45.00) Dollars to the Department of Finance for the purpose of paying W. W. Baker, McCutcheon Gregory and Walter R. Spencer, Fifteen (\$15.00) Dollars each for services as appraisers in appraising certain personal property recently sold by the Department of Public Safety, the same being no longer fit for the purpose for which it was intended.

You will please recommend the passage of said ordinance.

Yours very truly,
BOARD OF PUBLIC SAFETY,
 OSCAR O. WISE,
Executive Secretary.

To the President and Members of the Common Council of the City of Indianapolis, Indiana:

Gentlemen—I herewith hand you a communication from the Board of Public Works asking for the passage of an ordinance transferring the sum of Two Hundred and Twenty-three and seventy hundredths (\$223.70) Dollars from the Office Force Salaries Fund of the Street Commissioner's Department of the Department of Public Works, and re-appropriating the same to the fund designated as the "Kentucky Avenue Eagle Creek Bridge Repair Fund" of the Street Commissioner's Department of the Department of Public Works for the purpose of paying the Acme Gravel Company for labor and services performed and declaring a time when the same shall take effect.

I recommend the passage of this ordinance.

Yours truly,
JOS. L. HOUGE
City Controller.

November 6th, 1922.

Mr. Joseph L. Hogue,
 City Controller,
 Indianapolis.

I am directed by the Board of Public Works to submit for your approval and transmission to the Common Council, an ordinance transferring the sum of Two Hundred and Twenty-three and seventy hundredths (223.70) Dollars from the Office Force Salaries Fund of the Street Commissioner's Department of the Department of Public Works and re-appropriating the same to the fund designated as the "Kentucky Avenue Eagle Creek Bridge Repair Fund" of the Street Commissioner's Department of the Department of Public Works for the purpose of paying the Acme Gravel Company for labor and service performed and declaring a time when the same shall take effect.

Yours truly,
GEO. O. HUTSELL,
Clerk, Board of Public Works.

November 6th, 1922

Honorable Board of Public Works,
 Indianapolis.

Gentlemen—The heavy stones pushed off the walls of Kentucky Ave. Eagle Creek have all been raised out of the water and have been replaced so, as to leave the bridge in faultless condition.

This work, for which there is no available fund, apparently, was done by the Acme Gravel Co., and cost \$223.70; an amount we can spare from our office salary fund.

The undersigned petitions therefore, to transfer \$223.70 from the office salary fund to a fund designated as the Kentucky avenue Eagle Creek Bridge repair fund.

Respectfully yours,
MARTIN J. HYLAND,
Street Commissioner.

October 20, 1922.

To the President and Members of the Common Council of the City of Indianapolis, Indiana:

Gentlemen—I hand you herewith an Ordinance adjusting salaries in the City Controller's office.

This Ordinance does not create any new positions but simply increases salaries to conform to the Budget passed for 1923.

I recommend the passage of this Ordinance.

Yours truly,

JOS. L. HOGUE,

City Controller,

From the City Civil Engineer:

To the President and Members of the Common Council of the City of Indianapolis, Indiana:

Gentlemen—There is attached twelve copies of an ordinance proposing the annexation to the City of Indianapolis of territory lying south of Tenth Street and west of Oline Avenue to Grande Avenue.

This annexation has been asked for by the Trustee of Wayne Township on account of school conditions.

Yours truly,

J. L. ELLIOTT,

City Civil Engineer.

October 31, 1922.

To the President and Members of the Common Council of the City of Indianapolis, Indiana:

Gentlemen—There is attached twelve copies of an Ordinance proposing the annexation to the City of Indianapolis of territory lying between the present corporate line and the north line of Sixteenth Street, west of Lafayette Road to alley west of Luett Avenue.

This Ordinance will give the city of Indianapolis control of Sixteenth Street which is an improved road and will permit the city to construct improvements to connect with this improved road. This is impossible at the present time.

Would therefore recommend the passage of this Ordinance.

Yours truly,

J. L. ELLIOTT,

City Civil Engineer.

October 31, 1922.

To the President and Members of the Common Council of the City of Indianapolis, Indiana:

Gentlemen—There is attached twelve copies of an Ordinance proposing the disannexation of territory lying south of Pendleton Pike and west of Emerson Avenue, which territory is unplatted and used for farm land.

Can see no objection to this disannexation and it is therefore being forwarded to your body for action.

Yours truly,

J. L. ELLIOTT,

City Civil Engineer.

REPORTS FROM STANDING COMMITTEES

From the Committee on Finance:

November 6, 1922.

To the President and Members of the Common Council of the City of Indianapolis, Indiana:

Gentlemen—We, your committee on Finance to whom was referred Appropriation Ordinance No. 42, 1922, entitled "An Ordinance appropriating the sum of Five Thousand (\$5,000) Dollars, from any unappropriated funds, to the Sewer Department, Salary and Wage Fund, under the Department of Public Works, and declaring a time when the same shall take effect," beg leave to report that we have had said Ordinance under consideration, and recommend that the same be passed.

CLAYCOMBE,
BEN H. THOMPSON,
I. L. BRAMBLETT,
JOHN E. KING,
H. W. BUCHANAN,

November 6, 1922.

To the President and Members of the Common Council of the City of Indianapolis, Indiana:

Gentlemen—We, your Committee on Finance to whom was referred Appropriation Ordinance No. 43, 1922, entitled "An Ordinance appropriating the sum of Seventy-five (\$75.00) Dollars to the Department of Finance for the purpose of paying certain appraisers of personal property belonging to the City of Indianapolis, and in the Department of Public Safety, and declaring a time when the same shall take effect," beg leave to report that we have had said Ordinance under consideration, and recommend that the same be passed.

CLAYCOMBE,
BEN H. THOMPSON,
I. L. BRAMBLETT,
JOHN E. KING,
H. W. BUCHANAN,

November 6, 1922.

To the President and Members of the Common Council of the City of Indianapolis, Indiana:

Gentlemen—We, your Committee on Finance to whom was referred Appropriation Ordinance No. 41, 1922, entitled, "An Ordinance appropriating the sum of One Thousand (\$1,000) Dollars from any unappropriated funds, to the Blank Books, Printing and Incidentals Fund, and declaring the time when the same shall take effect," beg leave to report that we have had said Ordinance under consideration, and recommend that the same be passed.

CLAYCOMBE,
BEN H. THOMPSON,
I. L. BRAMBLETT,
JOHN E. KING,
H. W. BUCHANAN,

November 6, 1922.

To the President and Members of the Common Council of the City of Indianapolis, Indiana:

Gentlemen—We, your Committee on Finance to whom was referred Appropriation Ordinance No. 40, 1922, entitled, "An Ordinance appropriating the sum of One Thousand (\$1,000) Dollars from any unappropriated funds, to the Miscellaneous Expenses City Offices Fund, in the Department of Finance, and declaring the time when the same shall take effect," beg leave to report that we have had said Ordinance under consideration, and recommend that the same be passed.

CLAYCOMBE,
BEN H. THOMPSON,
I. L. BRAMBLETT,
JOHN E. KING,
H. W. BUCHANAN,

November 6, 1922.

To the President and Members of the Common Council of the City of Indianapolis, Indiana:

Gentlemen—We, your Committee on Finance to whom was referred General Ordinance No. 107, 1922, entitled, "An Ordinance transferring and re-appropriating certain funds under the Department of Public Works, and declaring a time when the same shall take effect," beg leave to report that we have had said Ordinance under consideration, and recommend that the same be passed.

CLAYCOMBE,
BEN H. THOMPSON,
I. L. BRAMBLETT,
JOHN E. KING,
H. W. BUCHANAN,

November 6, 1922.

To the President and Members of the Common Council of the City of Indianapolis, Indiana:

Gentlemen—We, your Committee on Finance to whom was referred General Ordinance No. 106, 1922, entitled, "An Ordinance, transferring and reappropriating certain funds under the Department of Public Works, and declaring a time when the same shall take effect," beg leave to report that we have had said Ordinance under consideration, and recommend that the same be passed.

CLAYCOMBE,
BEN H. THOMPSON,
I. L. BRAMBLETT,
JOHN E. KING,
H. W. BUCHANAN,

November 6, 1922.

To the President and Members of the Common Council of the City of Indianapolis, Indiana:

Gentlemen—We, your Committee on Finance to whom was referred General Ordinance No. 103, 1922, entitled, "An Ordinance, transferring and reappropriating certain funds under the Department of Public Works, and declaring a time when the same shall

take effect," beg leave to report that we have had said Ordinance under consideration, and recommend that the same be passed.

CLAYCOMBE,
BEN H. THOMPSON,
I. L. BRAMBLETT,
JOHN E. KING,
H. W. BUCHANAN,

November 6, 1922.

To the President and Members of the Common Council of the City of Indianapolis, Indiana:

Gentlemen—We, your Committee on Finance to whom was referred General Ordinance No. 105, 1922, entitled, "An Ordinance, transferring and re-appropriating certain funds under the Department of Public Works, and declaring a time when the same shall take effect," beg leave to report that we have had said Ordinance under consideration, and recommend that the same be passed.

CLAYCOMBE,
BEN H. THOMPSON,
I. L. BRAMBLETT,
JOHN E. KING,
H. W. BUCHANAN,

November 6, 1922.

To the President and Members of the Common Council of the City of Indianapolis, Indiana:

Gentlemen—We, your Committee on Finance to whom was referred General Ordinance No. 104, 1922, entitled, "An Ordinance, transferring and reappropriating certain funds under the Department of Public Works, and declaring a time when the same shall take effect," beg leave to report that we have had said Ordinance under consideration, and recommend that the same be passed.

CLAYCOMBE,
BEN H. THOMPSON,
I. L. BRAMBLETT,
JOHN E. KING,
H. W. BUCHANAN,

From the Committee on Public Safety:

November 6, 1922.

To the President and Members of the Common Council of the City of Indianapolis, Indiana:

Gentlemen—We, your Committee on Public Safety to whom was referred General Ordinance No. 110, 1922, entitled, "An Ordinance approving a certain contract granting A. Wilkinson Lumber Company the right to lay and maintain a side track or switch," beg leave to report that we have had said Ordinance under consideration, and recommend that the same be passed.

BEN H. THOMPSON,
I. L. BRAMBLETT,
JOHN E. KING,
CLAYCOMBE,
H. W. BUCHANAN,

INTRODUCTION OF APPROPRIATION ORDINANCES

By the City Controller:

APPROPRIATION ORDINANCE NO. 45, 1922

AN ORDINANCE appropriating the sum of Thirteen Thousand Two Hundred Dollars (\$13,200.00) to a fund to be known as "Construction of a Concrete Pier to Replace Present North Pier of the Bridge over White River at Harding Street," under the Department of Public Works, and declaring a time when the same shall take effect.

Be it Ordained by the Common Council of the City of Indianapolis, Indiana:

Section 1. That there be, and is hereby appropriated, the sum of Thirteen Thousand Two Hundred Dollars (\$13,200.00,) to a fund to be known as "Construction of a Concrete Pier to Replace Present North Pier of the Bridge over White River at Harding Street," under the Department of Public Works for the purpose of building a new concrete pier to replace the Present North Pier of said Bridge, which has been undermined and in an unsafe condition.

Section 2. This Ordinance shall be in full force and effect from and after its passage.

Which was read a first time and referred to the Committee on Finance.

By the City Controller:

APPROPRIATION ORDINANCE NO. 46, 1922

AN ORDINANCE appropriating the sum of Forty-five (\$45.00) Dollars to the Department of Finance for the purpose of paying appraisers appointed by the Judge of the Marion Circuit Court on the 30th day of September, 1922, to appraise certain personal property belonging to the City of Indianapolis, in the care and custody of the Board of Public Safety, and declaring a time when the same shall take effect.

Be it Ordained by the Common Council of the City of Indianapolis, Indiana:

Section 1. That there be and is hereby appropriated the sum of Forty-five (\$45.00) Dollars to the Department of Finance for the purpose of paying Fifteen (\$15.00) Dollars each to W. W. Baker, McCutcheon Gregory and Walter R. Spencer, the same being due them for services performed in acting as appraisers under appointment of the Judge of the Marion Circuit Court of Marion County, Indiana, on September 30, 1922, to appraise certain personal property in the care and custody of the Board of Public Safety which property was no longer fit for the use for which it was intended and was sold on the 27th day of October, 1922, under property sale Resolution No. 1, 1922, passed by the Board of Public Safety on the 19th day of September, 1922.

Section 2. This Ordinance shall be in full force and effect from and after its passage.

Which was read a first time and referred to the Committee on Finance.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES

By the City Controller.

GENERAL ORDINANCE NO. 112, 1922

AN ORDINANCE transferring the sum of Two Hundred and Twenty-three and seventy hundredths (\$223.70) Dollars from the Office Force Salaries Fund of the Street Commissioner's Department of the Department of Public Works and reappropriating the same to the fund designated as the "Kentucky Avenue Eagle Creek Bridge Repair Fund" of the Street Commissioner's Department of the Department of Public Works for the purpose of paying the Acme Gravel Company for labor and services performed and declaring a time when the same shall take effect.

Be it Ordained by the Common Council of the City of Indianapolis, Indiana:

Section 1. That there be, and is hereby, transferred from the Office Force Salaries Fund of the Street Commissioner's Department of the Department of Public Works the sum of Two Hundred and Twenty-three and seventy hundredths (\$223.70) Dollars, and said sum is hereby reappropriated to the fund designated as the "Kentucky Avenue Eagle Creek Bridge Repair Fund" for the purpose of paying the Acme Gravel Company for labor and services in repairing the Kentucky Avenue Eagle Creek Bridge.

Section 2. This Ordinance shall be in full force and effect from and after its passage.

Which was read a first time and referred to the Committee on Finance.

By the City Controller.

GENERAL ORDINANCE NO. 113, 1922

AN ORDINANCE fixing the salary and compensation of duly authorized positions in the City Controller's office of the City of Indianapolis, repealing all Ordinances in conflict therewith, and fixing a time when the same shall take effect.

Be it Ordained by the Common Council of the City of Indianapolis, Indiana:

Section 1. The offices and positions hereinafter set out are already duly authorized in the City Controller's office, all officers, appointees and employees of said department shall receive the compensation named and fixed in this Ordinance, for the offices and positions held by each of them respectively. In all cases where such compensation has been fixed by any State Statute, the same is hereby retained as thereby fixed.

In all cases where an annual salary is herein provided, the same shall be deemed and held to be at that rate per annum.

Section 2. City Controller, Four Thousand (\$4,000.00) Dollars per year; Deputy City Controller, Eighteen Hundred (\$1,800.00) Dollars per year; Chief Bookkeeper, Twenty-two Hundred (\$2,200.00) Dollars per year; License Clerk, Two Thousand (\$2,000.00) Dollars per year; Stenographic Clerk, Twelve Hundred (\$1,200.00) Dollars per year; 1st Assistant Clerk, Twelve Hundred (\$1,200.00) Dollars per year; Barrett Law Bookkeeper, Eighteen Hundred (\$1,800.00) Dollars per year; Barrett Law Clerk, Eighteen Hundred (\$1,800.00) Dollars per year; Barrett Law Stenographer, Twelve Hundred (\$1,200.00) Dollars per year; Barrett Law Clerk, Thirteen Hundred and Twenty (\$1,320.00) Dollars per year.

Section 3. The City Controller is hereby authorized to pay the salaries and compensations herein provided out of such funds as may be appropriated therefor for this department.

Section 4. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Section 5. This Ordinance shall be in full force and effect on and after January 1, 1923.

Which was read a first time and referred to the Committee on Finance.

By Mr. King:

GENERAL ORDINANCE NO. 114, 1922.

AN ORDINANCE dividing the City of Indianapolis into districts for the purpose of regulating and restricting the location of trades, calling, industries, commercial enterprises and the location of buildings designed for specified uses; of classifying, regulating and determining the area of front, rear and side yards and other open spaces about buildings; of regulating and determining the use and intensity of use of land and lot areas within such city; creating a board of zoning appeals; defining certain terms used in said ordinance; providing a penalty for its violation and designating the time when the same shall take effect.

WHEREAS, The common council of the City of Indianapolis, Indiana, deems it necessary, in order to conserve the value of property in the city and to the end that adequate light, air, convenience of access and safety from fire and other dangers may be secured, that congestion of the public streets may be lessened or avoided, and that the public health, safety, comfort, convenience, morals and general welfare may otherwise be promoted in accordance with a well considered plan for the use and development of all property throughout the city, NOW THEREFORE,

Be it Ordained by the Common Council of the City of Indianapolis, Indiana:

Section. 1. DISTRICTS AND ZONE MAP. For the purpose of classifying, regulating and limiting the height, area and use of buildings hereafter to be erected and of regulating and determin-

ing the area of front, rear and side yards and other open spaces about buildings and on regulating and determining the use and intensity of use of land and lot areas and of classifying, regulating and restricting the location of trades, calling, industries, commercial enterprises and the location of buildings designed for uses herein specified, the City of Indianapolis, Indiana, is hereby divided into five classes of use districts, termed respectively class U1 or dwelling house districts, class U2 or apartment house districts, class U3 or business districts, class U4 or first industrial districts and class U5 or second industrial districts; and into four classes of height districts, termed respectively Class H1, H2, H3 and H4; and into six classes of area districts, termed respectively class A1, A2, A3, A4, A5 and A6; all as shown on the district or zone map which accompanies this ordinance and is hereby declared to be part hereof. The use, height and area districts designed on said zone map are hereby established. The map designations and the map designation rules which accompany said map are hereby declared to be part thereof. No building or premises shall be erected or used except in conformation with the regulations herein prescribed for the use, height and area districts in which such building or premises is located.

Section 2. CLASSIFICATION OF USES. For the purpose of this Ordinance the various uses of buildings and premises are divided into groups, classes and sub-divisions as set forth in the following classification of uses.

GROUP 1.—RESIDENCE CLASSES

Class U1 uses: (DWELLING HOUSE)

- Substitute*
Call 11/22
- (1) Dwelling.
 - (2) Church. School. Public Library. Public Museum.
 - (3) Community center building. Private club, excepting a club the chief activity of which is a service customarily carried on as a business. Philanthropic or eleemosynary use or institution other than a penal or correctional institution. Hospital or sanitarium other than for the insane or feeble minded.
 - (4) Public park. Public playground. Public recreation building. Water supply reservoir, well, tower or filter bed.
 - (5) Railway passenger station. Railway right of way, not including railway yards.
 - (6) Farming. Green house. Nursery. Truck gardening.

Class U2 uses: (APARTMENT HOUSE)

- (1) Apartment house.
- (2) Hotel.

GROUP 2. BUSINESS AND INDUSTRIAL CLASSES

Class U3 uses: (BUSINESS)

- (1) Bank. Office. Telephone exchange. Wholesale sales office or sample room. Oil filling station. Fire station. Ice delivery station.

- (2) Retail trade or shop for custom work or the making of articles to be sold at retail on the premises. Restaurant. Theatre. Moving picture show. Any use not included in any other class, provided such use is not noxious or offensive by reason of the emission of odor, dust, smoke, gas or noise.
- (3) Billboard or advertising sign.
- (4) Garage or repair shop for motor vehicles. Hand laundry. Electric sub-station.
- (5) Storage in bulk of, or warehouse for, such material as building material, contractor's equipment, clothing, cotton, drugs, dry goods, lumber, food, fuel, furniture, hardware, ice, machinery, metals, oil and petroleum in quantities less than tank car lots, paint and paint materials, pipe, rubber, shop supplies, tobacco, or wool. Street car barn.

Class U4 uses: (FIRST INDUSTRIAL)

- (1) Wholesale produce sales room. Wholesale produce market.
- (2) Manufacture or industrial operation of any kind, other than a class U3, U5 or U6 use, where not more than 3 H. P. is employed in the operation of any machine, provided such use is not noxious or offensive by reason of the emission of odor, dust, smoke, gas or noise.
- (3) Job printing. Newspaper printing.
- (4) Carpet cleaning. Steam laundry.
- (5) Cold storage plant. Creamery. Bottling works. Milk bottling or central distributing station.
- (6) Grain elevator. Blacksmith, horseshoeing or wagon shop. Stable or wagon shed for more than five horses or wagons. Veterinary hospital.
- (7) Street car repair shop. Freight terminal. Railroad yards.
- (8) Scrap iron or junk storage. Scrap paper or rag storage or baling. Foundry.
- (9) Manufacturing or industrial operation of any kind other than a class U3, U5 or U6 use or a use included in subdivision (2) above.

Class U5 uses: (SECOND INDUSTRIAL)

- (1) Paper manufacture. Plaster manufacture.
- (2) Ammonia, bleaching powder or other chemical plants emitting corrosive or toxic fumes carrying beyond the limits of the premises, other than uses included in class U6. Asphalt manufacture or refining. Coal distillation including manufacture or derivation of the by-products. Coke ovens. Creosote manufacture or treatment. Gas manufacture from coal or petroleum or the storage thereof. Carbon or lamp black manufacture. Petroleum storage (in quantities greater than tank car lots.) Tar distillation.
- (3) Central station light or power plant.
- (4) Boiler making. Locomotive manufacture. Railway car manufacture. Railroad roundhouse or shop. Reducing or refining aluminum, copper, tin or zinc. Steel furnace, blooming or rolling mill. Power forge. Structural iron or pipe works.
- (5) Storage of live poultry or poultry killing or dressing except for sale at retail on the premises. Incineration of garbage,

offal, dead animals or refuse. Municipal garbage reduction plant. Raw hides or skins—storage, curing or tanning. Soap manufacture. Snuff manufacture.

- (6) Distillation of bones. Fat rendering. Glue manufacture. Slaughter house. Fertilizer manufacture. Hair manufacture. Garbage, offal or dead animals reduction or dumping.

Class U6 uses: (PROHIBITED)

- (1) Petroleum refining.
 (2) Cement, lime, gypsum, or plaster of Paris manufacture.
 (3) Chlorine or hydrochloric, nitric, picric, or sulphuric acid manufacture. Smelting of copper, tin, zinc or iron ores.
 (4) Explosives, manufacture or storage.

GROUP 3. SPECIAL CLASSES

Class U7 uses: (SPECIAL PERMIT)

- (1) Aviation field. Amusement park.
 (2) Crematory. Cemetery.
 (3) Pest house. Penal or correctional institution. Sanitarium or asylum for the insane or feeble-minded.
 (4) Sewage disposal or treatment plant. Refuse dump.

Section 3. DWELLING HOUSE DISTRICT. (a) In a class U1 or dwelling house district no building or premises shall be used, and no building shall be erected, which is arranged, intended or designed to be used for other than a class U1 use.

(b) In a dwelling house district no building shall be erected which is arranged, intended or designed for a use enumerated in subdivision (3) of class U1 uses, unless such building is located:

(1) On a lot already devoted to a use enumerated in said subdivision;

(2) On a lot fronting on a portion of a street between two intersecting streets in which portion there exists a building of a kind enumerated in said subdivision;

(3) On a lot immediately adjoining or immediately opposite on the other side of the street from a business or industrial district; or

(4) On a lot determined by the board of zoning appeals after public notice and hearing to be so located that such building will in the judgment of the said board substantially serve the public convenience and welfare, and will not substantially and permanently injure the appropriate use of neighboring property.

Section 4. APARTMENT HOUSE DISTRICT. (a) In a class U2 or apartment house district no building or premises shall be used, and no building shall be erected which is arranged, intended or designed to be used, for other than a class U1 or U2 use.

(b) In an apartment house district no building shall be erected which is arranged, intended or designed for use enumerated in subdivision (3) of class U1 uses, unless such building is located:

(1) On a lot already devoted to a use enumerated in said subdivision;

(2) On a lot fronting on a portion of a street between two intersecting streets in which portion there exists a building of a kind enumerated in said subdivision;

(3) On a lot immediately adjoining or immediately opposite on the other side of the street from a business or industrial district; or

(4) On a lot determined by the board of zoning appeals after public notice and hearing to be so located that such building will in the judgment of said board substantially serve the public convenience and welfare and will not substantially and permanently injure the appropriate use of neighboring property.

Section 5. ACCESSORY USES IN RESIDENCE DISTRICTS.

An accessory use customarily incident to a class U1 or U2 use shall be permitted in, respectively, a class U1 or U2 district. In a dwelling house district a private garage permitted as an accessory use shall not provide storage for more than one motor vehicle for each 2,000 square feet of the lot area. In an apartment house district a private garage permitted as an accessory use shall not provide storage for more than one motor vehicle for each 500 square feet of the lot area. A billboard, signboard or advertising sign shall in no case be permitted as an accessory use except that the placing of a "for sale" or "for rent" sign, shall, however, be permitted as an accessory use. A store, trade or business shall not be permitted as an accessory use except that the office of a physician, dentist or surgeon may be located in the dwelling or apartment used by such physician, dentist or surgeon, as his private residence, and except that any person carrying on a customary home occupation, may do so in a dwelling or apartment used by him as his private residence. In a dwelling or apartment occupied as a private residence one or more rooms may be rented or table board furnished. A restaurant or public dining room may be located in a hotel or apartment house as an accessory use. A news stand may be located in a railway passenger station as an accessory use.

Section 6. BUSINESS DISTRICT. (a) In a class U3 or business district no building or premises shall be used, and no building shall be erected which is arranged, intended or designed to be used, for other than a class U1, U2 or U3 use. Provided that in any portion of a business district that is within a class A6 area district any building or premises may be erected or used for any use enumerated in subdivision (1), (2) or (3) of class U4 uses.

(b) An accessory use customarily incident to a class U3 use shall be permitted in a business district. A class U6 use shall not be permitted as an accessory use.

Section 7. FIRST INDUSTRIAL DISTRICT. (a) In a class U4 or first industrial district no building or premises shall be used, and no building shall be erected which is arranged, intended or designed to be used, for other than a class U1, U2, U3 or U4 use.

(b) An accessory use customarily incident to a class U4 use shall be permitted in a first industrial district. A class U6 use shall not be permitted as an accessory use.

Section 8. SECOND INDUSTRIAL DISTRICT. (a) In a class U5 or second industrial district no building or premises shall be used, and no building shall be erected which is arranged, intended

or designed to be used, for other than a class U1, U2, U3, U4 or U5 use.

(b) In a second industrial district no building shall be erected which is arranged, intended or designed for a use enumerated in subdivision (6) of class U5 uses, unless such building is located on a lot determined by the board of zoning appeals, after public notice and hearing, to be so located that said building will in the judgment of the said board substantially serve the public convenience and welfare and will not substantially or permanently injure the appropriate use of neighboring property.

(c) A class U6 use shall not be permitted as an accessory use in a second industrial district.

Section 9. PROHIBITED AND SPECIAL PERMIT USES. A class U6 use may not be located within the present limits of the City of Indianapolis. A class U7 use may be located only on special permit as provided in section 23. A class U7 use existing in any use district at the time of the passage of this ordinance shall be deemed an authorized use upon the plot devoted to such use at the time of the passage of this ordinance.

Section 10. NONCONFORMING USES. A nonconforming use existing at the time of the passage of this Ordinance may be continued. A nonconforming use shall not be extended except as otherwise authorized by this Ordinance; but the extension of a use to any portion of a building, which portion was arranged or designed for such nonconforming use at the time of the passage of this Ordinance, shall not be deemed the extension or a nonconforming use. A building arranged, designed or devoted to a nonconforming use at the time of the passage of this ordinance may not be reconstructed or structurally altered to an extent exceeding in aggregate cost, during any 10-year period, 60 per cent of the assessed value of the building unless the use of said building is changed to a conforming use. A nonconforming use, if changed to a conforming use, may not thereafter be changed back to any nonconforming use. A nonconforming use shall not be changed unless changed to a higher use. For the purpose of this ordinance a use shall be deemed to be changed if changed from a use included in a subdivision or a use class to a use not included in such subdivision. For the purpose of this ordinance a nonconforming use shall be deemed to be changed to a higher use if the use to which such nonconforming use is changed is a use included in a subdivision of a class that in the arrangement of classes and subdivisions in the classification of uses precedes the subdivision in which such nonconforming use is included.

Section 11. HEIGHT DISTRICTS. (a) In a class H1 district no building shall be erected to a height in excess of 50 feet, provided that back of the street or lot lines any portion of a building may be erected to a height in excess of 50 feet, provided such portion of such building is set back from all street and lot lines 1 foot for each 2 feet of such additional height and provided further that in a dwelling house or apartment house district such set back shall be from all required front, side and rear yard lines instead of from street and lot lines.

(b) In a class H2 district no building shall be erected to a height in excess of 80 feet, provided that back of the street or lot lines any portion of a building may be erected to a height in excess of 80 feet provided such portion or such building is set back from all street and lot lines 1 foot for each 2 feet of such additional height, and provided further that in a dwelling house or apartment house district such set back shall be from all required front, side rear yard lines instead of from street and lot lines.

(c) In a class H3 district no building shall be erected to a height in excess of 108 feet, provided that back of the street or lot lines any portion of a building may be erected to a height in excess of 108 feet provided such portion of such building is set back from all street and lot lines 1 foot for each 3 feet of such additional height, and provided further that in a dwelling house or apartment house district such set back shall be from all required front, side and rear yard lines instead of from street and lot lines. And provided further, that if such building adjoins along its rear line area within a class H4 district any portion of such building erected back of the street line may be erected to a height of 150 feet, provided such portion of such building is set back from the line of the street on which such building fronts 1 foot for each 3 feet of such height in excess of 108 feet.

(d) In a class H4 district no building shall be erected to a height in excess of 180 feet, provided that back of the street or lot lines any portion of a building may be erected to a height in excess of 180 feet, provided such portion of such building is set back from all street and lot lines 1 foot for each 3 feet of such additional height. And provided that when a building fronts on a street 100 feet or more in width the height limit shall be 200 feet instead of 180 feet as above provided. In the case of a corner building such greater height may extend back not to exceed 200 feet along a narrower street.

Section 12. HEIGHT DISTRICT EXCEPTIONS. (a) The provisions of the preceding section shall not apply to restrict the height of a church spire, flagpole, belfry, clock tower, wireless tower, chimney, water tank, elevator, bulkhead or stage tower or scenery loft.

(b) The board of zoning appeals may, after public notice and hearing and subject to such conditions and safeguards as the board may prescribe to protect the appropriate use of neighboring property, permit the erection of a building or portion of a building covering not more than 25 per cent. of the area of the lot to a height in excess of the limits prescribed in the preceding section.

(c) The board of zoning appeals may, after public notice and hearing, permit the erection of an addition to an existing building to the same height as such existing building where such addition is essential to the completion of the existing building as originally planned.

(d) The board of zoning appeals may, after public notice and hearing, permit the extension of a building existing at the time of the passage of this Ordinance, by the construction of additional stories above the height limit herein provided, provided that such building was actually designed and constructed to carry such additional stories.

(e) The board of zoning appeals may, after public notice and hearing, permit in a first or second industrial district the erection of a grain elevator, gas holder or other industrial building to a height in excess of the limitations prescribed in the preceding section, provided that in the judgment of the said board such additional height is essential to the normal operation of such industry.

Section 13. AREA DISTRICTS. (a) In a class A1 district no building shall be erected or altered to accommodate or make provision for more than one family for each 7,500 square of the area of a lot. Provided that one single family dwelling may be erected on any lot separately owned at the time of the passage of this Ordinance or on any numbered lot in a recorded sub-division that was on record in the office of the county recorder at the time of the passage of this ordinance. And provided that the board of zoning appeals may permit the erection of a dwelling for two families on any corner lot having an area of not less than 10,000 square feet and a width of not less than 65 feet.

Revised
(b) In a class A2 district no building shall be erected or altered to accommodate or make provision for more than one family for each 4,800 square feet of the area of the lot. Provided that one single family dwelling may be erected on any lot separately owned at the time of the passage of this ordinance or on any numbered lot in recorder subdivision that was on record in the office of the county recorder at the time of the passage of this ordinance. And provided that the board of zoning appeals may permit the erection of a dwelling for two families on any corner lot having an area of not less than 6,400 square feet and a width of not less than 50 feet.

(c) In a class A3 district no building shall be erected or altered to accommodate or make provision for more than one family for each 2,400 square feet of the area of the lot if an interior lot or for each 2,000 square feet of a corner lot. Provided that one dwelling for two families may be erected on any lot separately owned at the time of the passage of this ordinance or on any numbered lot in a recorded subdivision that was on record in the office of the county recorder at the time of the passage of this ordinance, provided that in either case such lot has a width of not less than 35 feet and an area of not less than 3,500 square feet.

(d) In a class A4 district no building shall be erected or altered to accommodate or make provision for more than one family for each 1,200 square feet of the area of the lot if an interior lot or for each 1,000 square feet if a corner lot.

(e) In a class A5 district no building shall be erected or altered to accommodate or make provision for more than one family for each 600 square feet of the area of the lot if an interior lot or for each 500 square feet if a corner lot.

(f) In a class A6 district there shall be no requirement as to the number of square feet of lot area per family.

(g) In computing such area of the lot for the purpose of this section, any part of this area of any corner lot in excess of 7,500 square feet shall be considered an interior lot. In a class A1, A2, A3 or A4 district in computing the area of a lot for the purpose of this section, if the depth of the lot is more than three times the width of such lot, a depth of only three times such width shall be used.

Section 14. ZONE MAP DESIGNATIONS. When definite distances in feet are not shown on the zone map, the district boundaries on the the zone map are intended to be along existing street, alley or property lines or extensions of the same and if the exact location of such line is not clear it shall be determined by the board of zoning appeals, due consideration being given to the location as indicated by the scale of the zone map. Where the streets or alleys on the ground differ from the streets or alleys as shown on the zone map the board of zoning appeals may apply the district designations on the map to the streets or alleys on the ground in such manner as to conform to the intent and purpose of this ordinance. Land or premises within a street, alley or other undesignated area on the zone map shall be governed by the regulations of the use, height and area district adjoining such land or premises and if adjoined by more than one class of use, height or area district, each portion of such land or premises shall be governed by the regulations of the use, height and area district nearest to such portion of land or premises.

Section 15. SIDE YARDS IN RESIDENCE DISTRICTS. In a dwelling house district or an apartment house district, for every building erected, there shall be a side yard along each lot line other than a street line or a rear line. Each dwelling and each apartment house shall be deemed a separate building and shall have side yards as above prescribed, except that in an apartment house district any number of dwellings may be built as a continuous structure and be considered as a single building for the purpose of this section. At least 20 percent of the width of each interior lot shall be devoted to side yards, provided not more than 16 feet need be so devoted. The least dimension of side yard shall not be less than 4 feet, provided that in the case of an apartment house or in the case of any building more than two and one-half stories in height, such least dimension shall not be less than one-sixth of the height of the building.

Section 16. REAR YARDS IN RESIDENCE DISTRICTS. In a dwelling house district or an apartment house district every building erected shall have a rear yard. In a dwelling house district the least dimension of the rear yard shall be at least 15 per cent of the depth of the lot, but such least dimension need not be more than 30 feet. In an apartment house district the least dimension of the rear yard shall be not less than one-half of the height of the building. Forty per cent of the area of the rear yard may be occupied by a one-story accessory building not more than 15 feet in height, except that in the rear of a building housing two or more families the distance between the building and the accessory building be 25 feet on an interior lot 15 feet on a corner lot, and provided that on a corner lot, the rear line of which is identical with the side line of an interior lot, no such accessory building, if detached from the main building, shall be erected nearer than 20 feet to any street line or nearer than 10 feet to any apartment house.

Section 17. SIDE AND REAR YARD EXCEPTIONS. (a) The area required in a side or rear yard shall be open from the established grade or from the natural grade if higher than

the established grade to the sky, unobstructed except for the the ordinary projections of window sills, belt courses, cornices and other ornamental features to the extent of not more than 4 inches, except that within 5 feet of the street wall, a cornice may project not over 3 feet into such yard, and provided that if the building is not over two and one-half stories in height, the cornice or eaves may project not more than 2 feet into such yard.

(b) A building and any accessory building erected on the same lot shall, for the purpose of side and rear yard requirements, be considered as a single building.

(c) Where a rear yard or side yard in a dwelling house or apartment house district abutts an alley, the yard shall be deemed to extend to the center of such alley.

Section 18. FRONT YARDS IN RESIDENCE DISTRICTS. Between a front yard line as herein established and the street line no building or portion of a building other than a one-story unenclosed porch or fence or wall not exceeding 3½ feet in height may be erected. In dwelling house districts and apartment house districts front yard lines are hereby established as follows:

(1) On a street frontage on either side of a street where 50 per cent or more of such frontage between two intersecting streets, but excluding the frontage along the side line of a corner lot, is improved with buildings that are set back from the street line or where all the buildings though occupying less than 50 per cent but more than 20 percent of such frontage are set back from the street line, the alignment of the existing buildings shall be the front yard line. Minor irregularities in such alignment of existing buildings may be disregarded by the board of zoning appeals in defining and applying this front yard line regulation or said board may, when in its opinion the general purpose and intent of this section will be better served thereby, determine that the average distance the existing buildings are back from the street line, either for such entire frontage or for any part thereof, shall be the front yard line.

(2) On a street frontage on either side of a street between two intersecting streets, but excluding the frontage along the side line of a corner lot, where not more than 20 per cent of such frontage is improved with buildings that are built at the street line and where the provisions of sub-division (1) of this section do not create a front yard line, the distance of the front yard line back from the street line shall be 20 per cent of the average or normal depth of the lots having their front lines along such street frontage but such distance back from the street line need not be more than 40 feet. Where in any portion of such street frontage there are lots of markedly less depth than the normal, the board of zoning appeals in defining and applying this front yard line regulation may, when in its opinion the general purpose and intent of this section will be better served thereby, divide such street frontage into sections for the application of the above 20 per cent front yard line requirement.

(3) Along the side line of a corner lot the distance of the front yard line back from the street line shall be 10 per cent of the width of such lot, but such distance back from the street line need not be more than 10 feet.

Section 19. FRONT YARDS IN BUSINESS DISTRICTS. Where a business district is entirely surrounded by residence districts and the greatest dimension of the area included in such business district does not exceed 1,200 feet the regulations above provided for front yards and front yard lines in residence districts shall apply to such business district.

Section 20. FRONT YARDS EXCEPTIONS. Whenever any parcel of land now separately owned and which was so owned prior to the passage of this Ordinance is of such restricted area that it cannot be appropriately improved without building beyond the front yard line established by the above sections the board of zoning appeals may, on application in a specific case, authorize the construction of a building beyond said front yard line to an extent necessary to secure an appropriate improvement of such parcel of land. On a lot adjoining a street frontage along which either no front yard line or a front yard line nearer to the street is provided, the board of zoning appeals may, on application in a specific case, permit a building or a portion thereof to be erected beyond the front yard line herein provided. Whenever the distance of the front yard line back from the street line as established by the alignment of the existing buildings as provided in subdivision (1) of section 18 is more than 40 feet or more than 20 per cent of the average or normal depth of the lots having their front lines along such street frontage, the board of zoning appeals may, on application, after public notice and hearing, permit the erection of buildings nearer to the street line but not nearer than would be allowed under the rule provided in subdivision (2) of section 18. Whenever a plat of a land subdivision approved by the city plan commission is on record in the office of the county recorder which shows building lines along any frontage for the purpose of creating front yard areas the building lines thus shown shall along such frontage apply in place of any front yard lines herein established.

Section 21. REAR HOUSES. In a dwelling house district or apartment house district every dwelling or apartment house shall have access to a public street, and if located in the rear of other buildings with no immediate street frontage, an easement for access shall be provided over an unoccupied strip of land at least 16 feet in width and such reserve strip may not form a part of any lot areas required by this Ordinance.

Section 22. ENFORCEMENT: BOARD OF ZONING APPEALS. This Ordinance shall be enforced by the commissioner of building under the rules and regulations of the board of zoning appeals. The city plan commission is hereby constituted a board of zoning appeals for the purposes of this ordinance. The board of zoning appeals shall adopt from time to time such rules and regulations as they may deem necessary to carry into effect the provisions of this ordinance. Any decision of the commissioner of buildings made in the enforcement of this ordinance may be appealed to the board of zoning appeals by any person claiming to be adversely affected by such decision. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the provisions of this ordinance, the board of zoning appeals shall have the power in a specific case to vary any such provision in

harmony with its general purpose and intent so that the public health, safety and general welfare may be secured and substantial justice done.

Section 23. DISTRICT EXCEPTIONS. The board of zoning appeals may in a specific case, after public notice and hearing and subject to appropriate conditions and safeguards, determine and vary the application of the district regulations herein established in harmony with their general purposes and intent as follows:

(1) Permit the extension of a building or use into a more restricted district immediately adjacent thereto but not more than 50 feet beyond the boundary line of the district in which such building or use is authorized;

(2) Permit the extension of a nonconforming use or building upon the lot occupied by such use or building at the time of the passage of this ordinance;

(3) Permit in a district any use or building deemed by the board to be in general keeping with and appropriate to the uses or buildings authorized in such district;

(4) Grant in undeveloped sections of the city temporary and conditional permits for not more than two-year periods for structures and uses that do not conform to the regulations herein prescribed for the district in which they are to be located;

(5) Permit the location of a telephone exchange, electric substation or similar public utility, or of a class U7 use in any use district, provided such use in such location will in the judgment of the board of zoning appeals substantially serve the public convenience and welfare and will not substantially and permanently injure the appropriate use of the neighboring property;

(6) Permit in a dwelling house or apartment house district the location on any lot having an area of not less than 5 acres or bounded on at least three sides by streets not less than 40 feet in width, of any use authorized in a business district provided such use in such location is so conditioned as to adequately safeguard the appropriate use of neighboring property;

(7) Permit the erection of a two-story accessory building covering not to exceed 40 per cent of the required rear yard area; or

(8) Where a lot is immediately adjoined on at least two sides by buildings that do not conform to the use or area district regulations of the districts in which such lot is located, permit a modification of such use or area district regulations to the extent deemed necessary to admit of an appropriate improvement on such lot due regard being given to the avoidance of serious injury to neighboring property.

Section 24. APPROVAL OF DEVELOPMENT PLAN. The owner or owners of any tract of land not less than twenty acres in area may submit to the board of zoning appeals a plan for the use and development of such tract of land primarily for residential purposes and if such development plan is approved after public notice and hearing by the board of zoning appeals and by the city plan commission application of the use, height, area and yard regulations established herein shall be modified as required by such development plan, provided that for the tract as a whole, excluding street area but including area to be devoted to parks, parkways or other permanent open spaces, there will not be

less than the required area per family for the area district in which such tract of land is located for each family which under such development plan may be housed on such tract. And provided further that under such development plan the appropriate use of property adjacent to the area included in such development plan is fully safeguarded.

Section 25. INTERPRETATION; PURPOSE. In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. The lot or yard areas required by this Ordinance for a particular building shall not be diminished and shall not be included as a part of the required lot or yard areas of any other building. The lot or yard areas or buildings existing at the time of the passage of this ordinance shall not be diminished below the requirements herein provided for buildings hereafter erected and such required areas shall not be included as a part of the required areas of any building hereinafter erected. This ordinance shall not repeal, abrogate, annul or in any way impair or interfere with any existing provisions of law or ordinance or any rules or regulations previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use of buildings or premises: nor shall this ordinance interfere with or abrogate or annul any easements, covenants, or other arrangements between parties; provided, that where this ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger lots or yards than are imposed or required by such existing provisions of law or ordinance or by such rules or regulations or by such easements, covenants or agreements, the provisions of this ordinance shall control.

Section 26. AMENDMENTS. The common council may from time to time on its own motion or on petition, after public notice and hearing, amend the regulations and districts herein established. If any area is hereafter transferred to another district by a change in the district boundaries by amendment as provided in this section, the provisions of this Ordinance with regard to buildings or premises existing or buildings for which permits have been issued at the time of the passage of this Ordinance shall apply to buildings or premises existing or buildings for which permits have been issued in such transferred area at the time of the passage of such amendment.

Section 27. COMPLETION AND RESTORATION OF EXISTING BUILDINGS. Nothing herein contained shall require any change in the plans, construction or designated use of a building for which a permit shall have been diligently prosecuted within ninety days of the date of such permit, and the ground story framework of which, including the second tier of beams, shall have been completed within one year of the date of such permit, and which entire building shall be completed according to such plans, as filed, within three years from the date of the passage of this ordinance. Nothing in this ordinance shall prevent the restoration of a building wholly or partly destroyed by fire, explosion, act of God or act of the public enemy subsequent to the passage of this ordinance or prevent a

change of such existing use under the limitations provided in section 10. Nothing in this ordinance shall prevent the restoration of a wall declared unsafe by the commissioner of building.

Section 28. PENALTY FOR VIOLATION. Any person or corporation who shall violate any of the provisions of this Ordinance or fail to comply therewith or with any of the requirements thereof, or who shall build or alter any building in violation of any detailed statement or plan submitted and approved thereunder, shall for each and every violation or non-compliance be guilty of an offense, and upon conviction thereof shall be fined not more than five hundred (\$500.00), and each day such violation shall be permitted to exist shall constitute a separate offense. The owner or owners of any building or any premises or part thereof, where anything in violation of this ordinance shall exist, and any architect, builder, contractor, agent, person or corporation employed in connection therewith and who may have assisted in the commission of any such violation shall each be guilty of a separate offense and upon conviction thereof shall be fined as herein provided. And any building erected, raised, converted or land or premises used in violation of any provisions of this ordinance or the requirements thereof, is hereby declared to be a common nuisance and such common nuisance may be abated in such manner as nuisances are now, or may hereafter be abated under existing law.

Section 29. DEFINITIONS. Certain words in this Ordinance are defined for the purpose hereof as follows:

(a) Words used in the present tense include the future; the singular number includes the plural and the plural the singular; the word "lot" includes the word "plot"; the word "building" includes the word "structure."

(b) The "street line" is the dividing line between the street and the lot.

(c) The "established grade" is the elevation of the street curb as fixed by the city.

(d) The "natural grade" is the elevation of the undisturbed natural surface of the ground adjoining the building.

(e) The "height of a building" is the vertical distance measured at the center line of its principal front from the established grade or from the natural grade, if higher than the established grade, to the level point in the coping of flat roofs or to the deck line of a mansard roof or to the mean height of a hipped roof. Where no roof beams exist or there are structures wholly or partly above the roof the height shall be measured to the level of the highest point of the building.

(f) A "rear yard" is an open unoccupied space on the same lot with a building between the rear line of the building and the rear line of the lot.

(g) A "front yard" is an open unoccupied space on the same lot with a building between the front line of the building and the front line of the lot.

(h) A "side yard" is an open unoccupied space on the same lot with a building situated between the building and the side line of the lot and extending through from the street or from the front yard to the rear yard or to the rear line of the lot. Any lot line not a rear line or a front line shall be deemed a side line.

(i) The "least dimension" of a yard is the least of the horizontal dimensions of such yard. If two opposite sides of a yard are not parallel, such least dimension shall be deemed to be the mean distance between them.

(j) A "lot" is a parcel of land occupied by one building and the accessory buildings or uses were customarily incident to it, including such open spaces as are required by this Ordinance and such open spaces as are arranged and designed to be used in connection with such building.

(k) A "family" is any number of individuals living and cooking together on the premises as a single housekeeping unit.

(l) A "dwelling" is a building arranged, intended or designed to be occupied by not more than two families living independently of each other and doing their own cooking upon the premises.

(m) An "apartment house" is a dwelling arranged, intended or designed to be occupied by three or more families living independently of each other and doing their own cooking upon the premises, or by three or more individuals or groups of individuals living independently but having a common heating system and a general dining room.

(n) A "non-conforming use" is one that does not comply with the regulations of the use district in which it is situated.

(o) "Public notice" of a hearing or proceeding means 10 days notice of the time and place thereof printed in a newspaper of general circulation in the city of Indianapolis.

(p) An "accessory" use or building is a use or building customarily incident to and located on the same lot with another use or building.

Sec. 30. Invalidity of a part. The sections, subsections, districts and front yard lines forming a part of or established by this ordinance and the several parts, provisions and regulations thereof, are hereby declared to be independent sections, subsections, districts, front yard lines, parts, provisions and regulations, and the holding of any such section, subsection, district, front yard line, part, provision or regulation thereof to be unconstitutional, void or ineffective for any cause shall not affect nor render invalid any other such section, subsection, district, front yard line, part, provision or regulation thereof.

Section 31. WHEN EFFECTIVE. This Ordinance shall go into immediate effect upon its passage and publication according to law.

Which was read a first time and referred to the Committee on Law and Judiciary.

By the City Civil Engineer:

SPECIAL ORDINANCE NO. 21

AN ORDINANCE annexing certain territory to the City of Indianapolis, Indiana, and defining a part of the boundary line of said city, and fixing a time when the same shall take effect.

Be it Ordained by the Common Council of the City of Indianapolis, Indiana:

Section 1. That the City of Indianapolis be and the same is

hereby extended so as to include the following described continuous territory all of which is hereby annexed to and made a part of the territory constituting and forming the City of Indianapolis, in Marion County, Indiana.

Section 2. Beginning at a point on the present corporation line, said point being on the center line of Tenth Street at its intersection with the center line of Oline Street; thence west with the center line of Tenth Street to the center line of Grande Avenue; thence south with the center line of Grande Avenue to the center line of Cossel Road; thence southeast and east with the center line of Cossel Road to the center line of Tibbs Avenue and the present corporation line; thence with the present corporation line in the following directions, north, west, northwest and north to the point or place of beginning.

Section 3. This Ordinance shall be in full force and effect from and after its passage.

Which was read a first time and referred to the Committee on Parks.

By the City Civil Engineer:

SPECIAL ORDINANCE NO. 22, 1922

AN ORDINANCE annexing certain territory to the City of Indianapolis, Indiana, and defining a part of the boundary line of said city, and fixing a time when the same shall take effect.

Be it Ordained by the Common Council of the City of Indianapolis, Indiana:

Section 1. That the City of Indianapolis be and the same is hereby extended so as to include the following described continuous territory all of which is hereby annexed to and made a part of the territory constituting and forming the City of Indianapolis, in Marion County, Indiana.

Section 2. Beginning at a point on the present corporation line, said point being on the east property line of Oline Street 170 feet south of the center line of Sixteenth Street (also known as Crawfordsville Road): thence north with the east line of Oline Street to the center line of Sixteenth (also known as Crawfordsville Road) thence east with the center line of the aforesaid street to the center line of the first alley west of Berline Street (also known as Pershing Avenue); thence north with the center line of the aforesaid alley to the center line of Seventeenth Street; thence east with the center line of Seventeenth Street to the west line of Berline Street (also known as Pershing Avenue); thence northwest with the aforesaid west line and street to the present corporation line; thence with the present corporation line in the following directions; southeast, southeast, south, west, northwest, north and west to the point or place of beginning.

Section 3. This Ordinance shall be in full force and effect from and after its passage.

Which was read a first time and referred to the Committee on Parks.

By the City Civil Engineer:

SPECIAL ORDINANCE NO. 23, 1922

AN ORDINANCE disannexing certain territory in the City of Indianapolis, Indiana, defining a part of the boundary line of said city and fixing a time when the same shall take effect.

Be it Ordained by the Common Council of the City of Indianapolis, Indiana:

Section 1. That the following described territory now within the corporate limits of the City of Indianapolis be, and the same is hereby disannexed from and thrown out of the City of Indianapolis, Indiana, to-wit:

Beginning at a point on the present corporation line, said point being on the center line of Emerson Avenue at its intersection with the north property line of Twenty-first Street; thence north with the present corporation line and the center line of Emerson Avenue to the south property line of Thirtieth Street; thence west with the south property line of Thirtieth Street to the southeast property line of Massachusetts Avenue (also known as Pendleton Pike); thence southwest with the southeast property line of Massachusetts Avenue (also known as Pendleton Pike); the center line of Lancaster Street; thence south with the center line of Lancaster Street to the center line of Twenty-fifth Street; thence west with the center line of Twenty-fifth Street and the center line of Twenty-fifth extended west to the southeast property line of Massachusetts Avenue (also known as Pendleton Pike); thence southwest with the southeast property line of Massachusetts Avenue (also known as Pendleton Pike); to the east right of way line of the Belt Railroad Company; thence southwest with the east right of way line of the Belt Railroad Company to the north right of way line of the Chicago, Cleveland, Cincinnati & St. Louis Railroad Company; thence northwest with the north right of way line of the aforesaid railroad to the center line of Linwood Avenue; thence north with the center line of Linwood Avenue to the center line of Twenty-third Street; thence east with the center line of Twenty-third Street to the center line of DeQuincy Street; thence south with the center line of DeQuincy Street to the north right of way line of the Chicago, Cleveland, Cincinnati & St. Louis Railroad Company; thence northeast with the north right of way line of the aforesaid railroad company to a point, said point being where the center line of Riley Street extended north would intersect the north right of way line of the aforesaid railroad company; thence south with the center line of Riley Street extended, and the center line of Riley Street to the north property line of Twenty-first Street; thence east with the north property line of Twenty-first Street to the point or place of beginning.

Section 2. This Ordinance shall be in full force and effect from and after its passage.

Which was read a first time and referred to the Committee on Parks.

ORDINANCES ON SECOND READING

Mr. Claycombe called for Appropriation Ordinance No. 40 1922, for second reading. It was read a second time.

Mr. Claycombe moved that Appropriation Ordinance No. 40, 1922, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 40, 1922, was read a third time and passed by the following vote:

Ayes, 9, viz.: Messrs. Bramblett, Buchanan, Clauer, Claycombe, King, Ray, Thompson, Wise and President Theodore J. Bernd.

Mr. Claycombe called Appropriation Ordinance No. 41, 1922, for second reading. It was read a second time.

Mr. Claycombe moved that Appropriation Ordinance No. 41, 1922, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 41, 1922, was read a third time and passed by the following vote:

Ayes, 9, viz.: Messrs. Bramblett, Buchanan, Clauer, Claycombe, King, Ray, Thompson, Wise and President Theodore J. Bernd.

Mr. Claycombe called for Appropriation Ordinance No. 42, 1922, for second reading. It was read a second time.

Mr. Claycombe moved that Appropriation Ordinance No. 42, 1922, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 42, 1922, was read a third time and passed by the following vote:

Ayes, 9, viz.: Messrs. Bramblett, Buchanan, Clauer, Claycombe, King, Ray, Thompson, Wise and President Theodore J. Bernd.

Mr. Claycombe called for Appropriation Ordinance No. 43, 1922, for second reading. It was read a second time.

Mr. Claycombe moved that Appropriation Ordinance No. 43, 1922, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 43, 1922, was read a third time and passed by the following vote:

Ayes, 9, viz.: Messrs. Bramblett, Buchanan, Clauer, Claycombe, King, Ray, Thompson, Wise and President Theodore J. Bernd.

Mr. Claycombe called for General Ordinance No. 103, 1922, for second reading. It was read a second time.

Mr. Claycombe moved that General Ordinance No. 103, 1922, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 103, 1922, was read a third time and passed by the following vote:

Ayes, 9, viz.: Messrs. Bramblett, Buchanan, Clauer, Claycombe, King, Ray, Thompson, Wise and President Theodore J. Bernd.

Mr. Claycombe called for General Ordinance No. 104, 1922, for second reading. It was read a second time.

Mr. Claycombe moved that General Ordinance No. 104, 1922, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 104, 1922, was read a third time and passed by the following vote:

Ayes, 9, viz.: Messrs. Bramblett, Buchanan, Clauer, Claycombe, King, Ray, Thompson, Wise and President Theodore J. Bernd.

Mr. Claycombe called for General Ordinance No. 105, 1922, for second reading. It was read a second time.

Mr. Claycombe moved that General Ordinance No. 105, 1922, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 105, 1922, was read a third time and passed by the following vote:

Ayes, 9, viz.: Messrs. Bramblett, Buchanan, Clauer, Claycombe, King, Ray, Thompson, Wise and President Theodore J. Bernd.

Mr. Claycombe called for General Ordinance No. 106, 1922, for second reading. It was read a second time.

Mr. Claycombe moved that General Ordinance No. 106, 1922, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 106, 1922, was read a third time and passed by the following vote:

Ayes, 9, viz.: Messrs. Bramblett, Buchanan, Clauer, Claycombe, King, Ray, Thompson, Wise and President Theodore J. Bernd.

Mr. Claycombe called for General Ordinance No. 107, 1922, for second reading. It was read a second time.

Mr. Claycombe moved that General Ordinance No. 107, 1922 be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 107, 1922, was read a third time and passed by the following vote:

Ayes, 9, viz.: Messrs. Bramblett, Buchanan, Clauer, Claycombe, King, Ray, Thompson, Wise and President Theodore J. Bernd.

Mr. Wise moved that General Ordinance No. 98, 1922, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 98, 1922, was read a third time and passed by the following vote:

Ayes, 6, viz.: Messrs. Bramblett, Buchanan, Claycombe, King, Wise and President Theodore J. Bernd.

Noes, 3, viz.: Messrs. Clauer, Ray and Thompson.

Mr. Thompson called for General Ordinance No. 110, 1922, for second reading. It was read a second time.

Mr. Thompson moved that General Ordinance No. 110, 1922, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 110, 1922, was read a third time and passed by the following vote:

Ayes, 9, viz.: Messrs. Bramblett, Buchanan, Clauer, Claycombe, King, Ray, Thompson, Wise and President Theodore J. Bernd.

On motion of Mr. Claycombe, the Common Council, at 8:50 o'clock p. m., adjourned.

Theo. J. Bernd

President.

Attest:

John N. Rhodehamel

City Clerk.