

## REGULAR MEETING

Monday, December 4, 1950

7:30 P. M.

The Common Council of the City of Indianapolis met in the Council Chamber at the City Hall, on Monday, December 4, 1950 at 7:30 P. M., in regular session. President Emhardt in the chair.

The Clerk called the roll.

Present: Mr. Bright, Mr. Ehlers, Mr. Jameson, Mr. Lupear, Mr. Ross, Mr. Seidensticker, Mr. Wallace, Mr. Wicker, President Emhardt.

The reading of the Journal for the previous meeting was dispensed with on motion of Mr. Ehlers, seconded by Mr. Ross.

## COMMUNICATIONS FROM THE MAYOR

November 21, 1950

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE  
COMMON COUNCIL OF THE CITY OF INDIANAPOLIS

Gentlemen:

I have this day approved with my signature and delivered to the City Clerk, Mr. Richard G. Stewart, the following ordinances:

### APPROPRIATION ORDINANCE NO. 28, 1950

An ordinance appropriating, transferring, reappropriating and

reallocating a certain sum (Tax Levy) from a certain designated item and fund in the Department of Public Safety, Market & Refrigeration, as appropriated under the 1950 Budget (G.O. 54, 1949, as amended), to a certain other item in the same fund and fixing a time when the same shall take effect.

#### APPROPRIATION ORDINANCE NO. 29, 1950

An ordinance appropriating, transferring, reappropriating and reallocating the sum of Seven Thousand Dollars (\$7,000.00) from certain funds and items in the Department of Public Parks, City of Indianapolis, to certain other funds and items in the same department, and fixing a time when the same shall take effect.

#### APPROPRIATION ORDINANCE NO. 30, 1950

An ordinance appropriating, transferring, reappropriating and reallocating a certain sum (tax levy money) from a certain designated item and fund in the Department of Public Safety, Fire Department, as appropriated under the 1950 Budget (G.O. 54, 1949, as amended) to a certain other item and fund in the same department and fixing a time when the same shall take effect.

#### GENERAL ORDINANCE NO. 80, 1950, AS AMENDED

An ordinance requiring the New York, Chicago and St. Louis Railroad Co. and the Chicago, Indianapolis and Louisville Railway Company, commonly known as the Monon, to install and maintain certain safety devices at certain street crossings of the tracks of said companies in the City of Indianapolis, Indiana, repealing all ordinances in conflict therewith, fixing a penalty for the violation thereof and fixing a time when the same shall take effect.

#### GENERAL ORDINANCE NO. 82, 1950, AS AMENDED

An ordinance regulating parking of vehicles on certain parts of certain streets of the City of Indianapolis, providing a penalty for any violation thereof, and fixing a time when the same shall take effect.

## GENERAL ORDINANCE NO. 90, 1950

An ordinance requiring the C.C.C. & St. Louis Railroad Company, and the New York Central Railroad Company, to install and maintain and operate automatic flashing signals at certain street crossings of the tracks of said companies in the City of Indianapolis, Indiana, repealing all ordinances in conflict herewith, and fixing a time when the same shall take effect.

## GENERAL ORDINANCE NO. 91, 1950

An ordinance ratifying, confirming and approving the terms, provisions and assurances contained in a certain resolution heretofore adopted by the Board of Public Works of the City of Indianapolis, wherein the City agrees to cooperate with the Federal Government in the construction of a levee along and a bridge over Fall Creek in said City.

## GENERAL ORDINANCE NO. 92, 1950

An ordinance dividing the City of Indianapolis into six councilmanic districts and fixing a time when the same shall take effect.

## GENERAL ORDINANCE NO. 93, 1950

An ordinance to amend General Ordinance No. 76, 1950 by adding thereto certain sections and fixing a time when the same shall take effect.

## GENERAL ORDINANCE NO. 94, 1950

An ordinance regulating parking of vehicles on a certain part of a certain street in the City of Indianapolis, Indiana, and providing a penalty for the violation thereof, and fixing a time when the same shall take effect.

## RESOLUTION NO. 16, 1950

A resolution accepting the proposal of the United States Housing Authority to make annual payments in lieu of taxes with respect to Lockefield Gardens Apartments, and fixing a time when the same shall take effect.

## RESOLUTION NO. 18, 1950

A resolution in honor of the death of the Honorable Mayor  
Albert George Feeney.

Respectfully,

PHILLIP L. BAYT  
Acting Mayor

## COMMUNICATIONS FROM CITY OFFICIALS

December 2, 1950

To the Honorable President and  
Members of the Common Council  
of the City of Indianapolis

Gentlemen:

In Re: General Ordinance No. 80, 1950, As Amended  
General Ordinance No. 82, 1950, As Amended  
General Ordinances Nos. 90, 93, 94, 1950

I hereby report that pursuant to the laws of the State of Indiana, I  
caused publication to be inserted in the following newspapers, to-wit:

G. O. Nos. 80, As Amended, 82, As Amended, 90, 93,  
94, 1950—Friday, November 24 and Friday, Decem-  
ber 1, 1950—The Indianapolis Commercial and The  
Marion County Messenger

and that said ordinances are in full force and effect as of the last  
date of publication and compliance with laws pertaining thereto.

Sincerely yours,

RICHARD G. STEWART  
City Clerk

November 20, 1950

Members of the Common Council of the City of Indianapolis  
City Hall  
Indianapolis, Indiana

Gentlemen:

In Re: Appropriation Ordinance No. 31, 1950

Accompanying this letter are 22 copies of an Appropriation Ordinance affecting certain salaries and wages in the Department of Public Health and Hospitals to be effective, if passed, January 1, 1951. Accompanying, also, is a copy of the Resolution duly adopted by the Department of Public Health and Hospitals authorizing the preparation and introduction of said Ordinance.

The Board will appreciate your consideration and action on said Ordinance at your earliest convenience.

Yours very truly,

HARRY T. LATHAM, JR.  
Attorney for the Department of  
Public Health and Hospitals of  
the City of Indianapolis.

DEPARTMENT OF PUBLIC HEALTH AND HOSPITALS

RESOLUTION NO. 11, 1950

WHEREAS, certain employees of the Department of Public Health and Hospitals of the City of Indianapolis, are being subjected to a severe financial strain because of the increase in living costs which are being met with difficulty because of the presently inadequate salary and wage scale as set out in the Budget under which said Department will operate for the year 1951, and

WHEREAS, there is a balance in excess of that amount anticipated, estimated, budgeted and unappropriated of the 1950 Budget which will be carried as a 1951 balance of the Department of Public Health and Hospitals General Fund, which said amount is in ex-

cess of the sum of Sixty-one Thousand One Hundred Eighty Dollars (\$61,180.00), and

WHEREAS, in the interest of efficient departmental operation certain specified salaries should be increased so that qualified personnel may be kept or obtained.

NOW, THEREFORE, BE IT RESOLVED by the Department of Public Health and Hospitals of the City of Indianapolis, acting by and through its duly authorized Board of Directors, that the sum of Sixty-one Thousand One Hundred Eighty Dollars (\$61,180.00) be appropriated from the anticipated, estimated and unappropriated 1951 balance, the same being that balance in excess of the amount anticipated in the 1950 Budget, and be appropriated and dispensed in accordance with the attached schedule. For general reference the total sum shall be appropriated as follows:

APPROPRIATE TO:

Department of Public Hospitals  
Indianapolis General Hospital  
General Hospital Administration

1. SERVICES—PERSONAL

11. Salaries and Wages Regular -----\$52,296.00

Department of Public Health & Hospitals  
Tuberculosis Prevention  
Flower Mission

1. SERVICES—PERSONAL

11. Salaries and Wages Regular -----\$3,964.00

Department of Public Health & Hospitals  
Public Health General

1. SERVICES—PERSONAL

11. Salaries and Wages Regular ----- 3,360.00

Department of Public Health & Hospitals  
Dairy Division  
Administration

1. SERVICES—PERSONAL

11. Salaries and Wages Regular ----- 1,440.00

Department of Public Health & Hospitals  
Tuberculosis Prevention

1. SERVICES—PERSONAL

11. Salaries and Wages Regular ----- 120.00

BE IT FURTHER RESOLVED that the Secretary of the Board be, and he is hereby, authorized and directed to take all steps and do all things necessary in compliance with all laws pertaining to emergency appropriations.

ADOPTED this 10th day of November, 1950.

FRANK G. LAIRD,  
KENNETH K. WOOLLING,  
FRANK M. GASTINEAU,  
Board of Public Health and Hospitals  
of the City of Indianapolis.

ATTEST:

CHAS. W. MYERS, Secretary

November 28, 1950

To the Honorable President and  
Members of the Common Council  
of the City of Indianapolis

Gentlemen:

We submit herewith General Ordinance No. 98, 1950.  
This Ordinance establishes a Loading Zone at 1110-1114 East 22nd  
Street for the Precision Machine Company.

We respectfully request its passage.

Yours very truly,

BOARD OF PUBLIC SAFETY  
L. J. Keach, President

November 28, 1950

To the Honorable President and  
Members of the Common Council  
of the City of Indianapolis

Gentlemen:

In Re: General Ordinance No. 99, 1950

Supplementing the letter of the Legal Department presenting General Ordinance No. 96, 1950, the Board of Public Safety approved recommendation of Traffic Engineer Gallagher to make East Michigan Street from East Street to Noble Street free of parking on both sides between the hours of 7 a. m. and 9 a. m., and from 4 p. m. to 6 p. m., and permitting one and one-half (1½) hours parking on both sides of East Michigan Street between the above named streets. In addition, it permits one and one half (1½) hours parking on the south side of East Michigan Street from Massachusetts Avenue to East Street between 9 a. m. and 4 p. m.

Passage is respectfully requested.

Yours very truly,

BOARD OF PUBLIC SAFETY  
L. J. Keach, President

November 28, 1950

Members of the Common Council  
City of Indianapolis  
City Hall  
Indianapolis, Indiana

Gentlemen:

In Re: General Ordinance No. 100, 1950

Accompanying this letter are 22 copies of an ordinance covering the subject matter of the sale of contraceptives in the City of Indianapolis.



This ordinance is to supplant Ordinance No. 26, 1950 covering the same subject matter passed by the Council previously hereto. You will notice the repealer clause in this ordinance.

It was felt, after consultation and investigation in conjunction with the corporation counsel of the City of Indianapolis, that there were certain legal technicalities that should be rectified in the prior ordinance in anticipation of appeal to the Supreme Court. In consequence thereof, the Department of Public Health and Hospitals, sponsor of the prior ordinance, is submitting the accompanying ordinance.

We shall appreciate your consideration in the matter.

Yours very truly,

HARRY T. LATHAM, JR.  
Attorney for Department of  
Public Health and Hospitals  
of the City of Indianapolis.

December 1, 1950

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

Gentlemen:

Transmitted herewith are twenty-one (21) copies of General Ordinance No. 101, 1950, authorizing the City Controller of the City of Indianapolis, Indiana to make a Temporary Loan in the sum of One Million One Hundred Thousand (\$1,100,000.00) Dollars for the use of the General Fund of the City of Indianapolis, in anticipation of current taxes of the City of Indianapolis, actually levied and in the course of collection for the fiscal year in which said loan is payable.

I recommend the passage of this Ordinance.

Respectfully,

PATRICK J. BARTON, Acting City Controller.

December 1, 1950

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

Gentlemen:

Transmitted herewith are twenty-one (21) copies of General Ordinance No. 102, 1950, authorizing the City Controller to make a temporary loan in the sum of One Hundred Twenty-five Thousand (\$125,000.00) Dollars, for the use of the Board of the Indianapolis Police Pension Fund of the City of Indianapolis, in anticipation of and payable out of the current taxes for the Indianapolis Police Pension Fund, and in the course of collection for the fiscal year in which said loan is made payable.

I recommend the passage of this Ordinance.

Respectfully,

PATRICK J. BARTON, Acting City Controller.

December 1, 1950

To President and Members of the Common Council  
From City Plan Commission  
Subject Zoning Amendment, Kelly Street at Dawson

Attached are copies of General Ordinance No. 103, 1950, amending General Ordinance No. 114, 1922 (as amended), to establish a neighborhood business district in connection with a housing development at Kelly and Dawson Streets.

This amendment was approved after due public notice and hearing by the City Plan Commission at its regular meeting November 27, 1950, and passage is therefore recommended and requested by said Commission.

Respectfully submitted,

NOBLE P. HOLLISTER,  
Executive Secretary

STATE OF INDIANA )  
COUNTY OF MARION ) SS:  
CITY OF INDIANAPOLIS )

CERTIFICATE OF PLAN COMMISSION  
TO COMMON COUNCIL

I, Noble P. Hollister, being the duly appointed, qualified and acting Executive-Secretary, of the Plan Commission of the City of Indianapolis, do hereby certify to the Common Council of said city that the copies transmitted herewith of proposed ordinance entitled:

“AN ORDINANCE to modify and reordain the substance of the provisions of General Ordinance No. 114, 1922, as heretofore amended, by revising, deleting, adding to, rearranging and supplementing many of the provisions thereof; except those relating to classification of all land within the corporate limits of the City as established by the District Zoning maps, and except for the continuance without change of the Board of Zoning Appeals, which aforesaid excepted provisions are hereby reordained and re-enacted; and fixing a time when this ordinance shall take effect.”

are true and correct copies of a proposed ordinance ordered to be introduced in the Common Council and recommended for passage by virtue of a resolution duly adopted by the unanimous vote of all members present at a regular meeting of the City Plan Commission held in the Council Chambers of the City Hall, at 2:30 o'clock P. M. November 27, 1950; and that there was a quorum of members present at said meeting.

The undersigned further certifies that prior to the adoption of the aforesaid resolution adopting and recommending the passage of said ordinance, the President, Jack B. Kammins called a special meeting of the Plan Commission for the purpose of holding a public hearing on the plan and proposed ordinance for its enforcement, which public hearing was held in the council chambers of the City Hall beginning at 7:30 o'clock P. M. Tuesday, November 21, 1950; at which meeting a quorum of the Plan Commission was present; that at said hearing a number of the members of the public were present and expressed themselves and all were afforded an opportunity to be fully heard upon the matter; that said public hearing was continued to said date of November 27, 1950 at which time the public was again af-

forded an opportunity to be fully heard upon the matter; that on November 10, 1950, the Plan Commission published in the Indianapolis Times, a newspaper of general circulation in the City of Indianapolis, County of Marion, State of Indiana, a notice of the time and place of said public hearing, to be held November 21, 1950 and the continuance thereof, which notice was given ten (10) days prior to the date set for hearing.

In witness whereof, I have hereunto set my hand and affixed the official seal of the Plan Commission of the City of Indianapolis this 2nd day of December, 1950.

NOBLE P. HOLLISTER,  
Executive-Secretary, Plan Commission,  
City of Indianapolis

Attested to:

JACK B. KAMMINS, President

At this time those present were given an opportunity to be heard on General Ordinances Nos. 96, 97, Resolution No. 17, 1950.

Mr. Seidensticker asked for recess. The motion was seconded by Mr. Ehlers, and the Council recessed at 7:50 P. M.

The Council reconvened at 8:35 P. M., with the same members present as before.

## COMMITTEE REPORTS

Indianapolis, Ind., December 4, 1950

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

Gentlemen:

We, your Committee on Public Works to whom was referred Resolution No. 17, 1950, entitled

A RESOLUTION disaffirming, rescinding and repealing Resolution No. 4, 1949 (decontrol of rents in the City)

beg leave to report that we have had said resolution under consideration, and recommend that the same be passed.

JOSEPH C. WALLACE, Chairman  
GUY O. ROSS  
GEORGE S. LUPEAR  
JOSEPH E. BRIGHT

Indianapolis, Ind., December 4, 1950

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

Gentlemen:

We, your Committee on Public Health to whom was referred Resolution No. 15, 1950, entitled

A RESOLUTION extending rent control in the City until June 30, 1951.

beg leave to report that we have had said resolution under consideration, and recommend that the same be passed.

J. PORTER SEIDENSTICKER,  
Chairman  
GEORGE S. LUPEAR  
JOSEPH A. WICKER

Indianapolis, Ind., December 4, 1950

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

Gentlemen:

We, your Committee on Elections to whom was referred General Ordinance No. 97, 1950, entitled

AN ORDINANCE establishing a loading zone (Barrett's Hardware & Furniture Company, 227 N. New Jersey St.)

beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

JOS. E. BRIGHT, Chairman  
CHARLES P. EHLERS  
JOSEPH C. WALLACE  
J. PORTER SEIDENSTICKER  
JOSEPH A. WICKER

## INTRODUCTION OF APPROPRIATION ORDINANCE

By the Board of Public Health and Hospitals:

### APPROPRIATION ORDINANCE NO. 31, 1950

AN ORDINANCE appropriating the sum of Sixty-one Thousand One Hundred Eighty Dollars (\$61,180.00) from the anticipated, estimated and unappropriated 1951 balance of the Department of Public Health and Hospitals General Fund to certain designated items and funds in the Department of Public Health and Hospitals for the purpose of raising wages and salaries and fixing a time when the same shall take effect.

WHEREAS, there is an extraordinary emergency existing for the appropriating and allocating of certain funds in the Department of Public Health and Hospitals.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF INDIANAPOLIS, INDIANA:

Section 1. That the sum of Sixty-one Thousand One Hundred Eighty Dollars (\$61,180.00) be, and the same is hereby, appropriated from the anticipated, estimated and unappropriated 1951 balance of the Department of Public Health and Hospitals General Fund to the following designated items and funds in the Department of Public Health and Hospitals in the respective amounts indicated for the purpose of raising wages and salaries, to-wit:

## APPROPRIATE TO:

Department of Public Hospitals  
Indianapolis General Hospital  
General Hospital Administration

## 1. SERVICES—PERSONAL

## 11. Salaries and Wages Regular

	FROM	TO	
1 Supervising Pathology Tech.	\$3,480.00	\$3,600.00—	\$ 120.00
2 Pathology Technicians	2,700.00	3,000.00—	600.00
3 Pathology Technicians	2,520.00	2,700.00—	540.00
2 Pathology Technicians	2,400.00	2,520.00—	240.00
1 Asst. Supt. of Nurses	3,600.00	4,000.00—	400.00
1 Asst. to Supt. of Nurses	3,360.00	3,480.00—	120.00
1 Supv. of Night Nursing	3,360.00	3,480.00—	120.00
1 Asst. Supv. of Night Nursing	3,120.00	3,240.00—	120.00
1 Supv. of Nursing Education	3,600.00	4,000.00—	400.00
1 Nursing Arts Instructor	3,120.00	3,240.00—	120.00
1 Asst. Nursing Arts Instr.	2,820.00	2,940.00—	120.00
1 Instr. Med. & Surgical Nursing	3,120.00	3,240.00—	120.00
1 Supv. of Obstetrical Nursing	3,120.00	3,300.00—	180.00
1 Supv. of Communicable Disease Nursing	3,120.00	3,240.00—	120.00
1 Supv. of Psychiatric Nursing	3,120.00	3,240.00—	120.00
1 Supv. of Out Patient Nursing	3,120.00	3,240.00—	120.00
1 Hd. Nurse—Surgical Supply	2,820.00	3,000.00—	180.00
1 Research Head Nurse	2,820.00	3,000.00—	180.00
2 Medical Head Nurses	2,820.00	3,000.00—	360.00
4 Surgical Head Nurses	2,820.00	3,000.00—	720.00
2 Medical & Surgical Head Nurses	2,820.00	3,000.00—	360.00
1 Emergency Wd. Head Nurse	2,820.00	3,000.00—	180.00
1 Cancer Research Hd. Nurse	2,820.00	3,000.00—	180.00
2 Pediatric Hd. Nurses	2,820.00	3,000.00—	360.00
1 Ear, Nose & Throat Hd. Nurse	2,820.00	3,000.00—	180.00
3 Operating Rm. Hd. Nurses	2,820.00	3,000.00—	540.00
1 Obstetrical Head Nurse	2,820.00	3,000.00—	180.00
1 Psychiatric Head Nurse	2,820.00	3,000.00—	180.00
23 General Duty Nurses	2,640.00	2,760.00—	2,760.00
17 General Duty Nurses	2,520.00	2,760.00—	4,080.00
10 Licensed Practical Nurses	1,980.00	2,100.00—	1,200.00
1 Dental Technician	1,800.00	1,920.00—	120.00
3 Surgical Dressing Preparers	1,320.00	1,440.00—	360.00

2 Surgical Dressing Sterilizers	1,380.00	1,440.00—	120.00
1 Housekeeper—Nurses Home	1,800.00	1,920.00—	120.00
2 Clinical Social Workers	2,160.00	2,280.00—	240.00
1 Clinical Social Worker	2,400.00	2,520.00—	120.00
4 Hosp. Admitting Officers, Sr.	2,280.00	2,340.00—	240.00
4 Hosp. Admitting Officers, Jr.	2,040.00	2,100.00—	240.00
2 Hospital Information Clerks	1,680.00	1,740.00—	120.00
1 Hospital Information Clerk	1,680.00	1,800.00—	120.00
1 Messenger	1,680.00	1,740.00—	60.00
6 Telephone Switchboard Oprs.	1,680.00	1,740.00—	360.00
1 Acct. Clerk Stenographer	2,400.00	2,580.00—	180.00
1 Acct. Clerk Stenographer	2,220.00	2,400.00—	180.00
3 Medical Stenos.—Secretary	2,220.00	2,400.00—	540.00
5 Medical Stenos.—Secretary	2,160.00	2,220.00—	300.00
3 Hospital Yardmen	1,680.00	1,800.00—	360.00
35 Janitors	1,560.00	1,680.00—	4,200.00
1 Elevator Operator	1,320.00	1,440.00—	120.00
5 Wall Washers	1,680.00	1,800.00—	600.00
1 Hospital Guard	1,800.00	1,920.00—	120.00
1 Laundry Supervisor	3,240.00	3,480.00—	240.00
2 Linen Haulers	1,560.00	1,680.00—	240.00
2 Linen Assorters & Checkers	1,440.00	1,560.00—	240.00
10 Laundry Workers	1,380.00	1,500.00—	1,200.00
14 Laundry Workers	1,320.00	1,440.00—	1,680.00
1 Linen Room Supervisor	1,800.00	1,920.00—	120.00
4 Seamstresses	1,500.00	1,620.00—	480.00
1 Multilith Operator	2,400.00	2,520.00—	120.00
1 Automotive Equipment Repairman	2,640.00	2,760.00—	120.00
8 Ambulance Drivers	2,400.00	2,520.00—	960.00
1 Supervising Maintenance Pntr.	2,820.00	3,000.00—	180.00
4 Maintenance Painters	2,400.00	2,520.00—	480.00
1 Supv. Maintenance Electr. n.	2,820.00	3,000.00—	180.00
2 Maintenance Electricians	2,640.00	2,760.00—	240.00
1 Spv. Maintenance Carpnter.	2,820.00	3,000.00—	180.00
3 Maintenance Carpenters	2,400.00	2,520.00—	360.00
1 Spv. Maintenance Plumber	2,820.00	3,000.00—	180.00
4 Maintenance Plumbers	2,400.00	2,520.00—	480.00
2 Night Maint. Plumbers	2,400.00	2,520.00—	240.00
1 Hsekpr.—Interne Dormitory	1,920.00	2,040.00—	120.00
1 Physical Therapist	2,400.00	2,520.00—	120.00
1 Photographer	2,640.00	3,000.00—	360.00
2 Occupational Therapists	2,640.00	2,760.00—	240.00
16 Hospital Attendants	1,740.00	1,860.00—	1,920.00



1 Hospital Stdnt. Surg. Supply	1,800.00	1,860.00—	60.00
36 Orderlies	1,620.00	1,740.00—	4,320.00
39 Hospital Maids	1,320.00	1,440.00—	4,680.00
40 Food Service Helpers	1,320.00	1,440.00—	4,800.00
3 Dishwashers	1,320.00	1,440.00—	360.00
1 Pot and Pan Washer	1,560.00	1,680.00—	120.00
6 Assistant Cooks	1,620.00	1,740.00—	720.00
1 Vegetable Cook	1,980.00	2,100.00—	120.00
1 Pastry Cook	1,980.00	2,100.00—	120.00
1 Meat Cook	2,220.00	2,340.00—	120.00
2 Hospital Cashiers	1,740.00	1,800.00—	120.00
1 Medical Record Clerk, Sr.	1,920.00	2,040.00—	120.00
1 Hosp. Incinerator Attendant	1,560.00	1,680.00—	120.00
1 Storekeeper	2,820.00	3,000.00—	180.00
2 Stock Handlers	1,800.00	1,920.00—	240.00
5 Power Plant Stnary. Engineers	3,084.00	3,240.00—	780.00
4 Power Plant Steam Firemen	2,660.00	2,784.00—	496.00
1 Power Plant Oiler	2,448.00	2,568.00—	120.00
			\$52,296.00

Department of Public Health & Hospitals  
Tuberculosis Prevention  
Flower Mission

I. SERVICES—PERSONAL

11. Salaries and Wages Regular

	FROM	TO	
1 Supervisors of Tuber. Nrs.	\$3,120.00	\$3,330.00—	\$ 180.00
1 Tuberculosis Head Nurse	2,820.00	3,000.00—	180.00
5 Hosp. Tuberculosis Nurses	2,640.00	2,820.00—	900.00
6 Hosp. Tuberculosis Nurses	2,520.00	2,700.00—	1,080.00
4 Hospital Maids	1,380.00	1,500.00—	480.00
1 Hospital Maid	1,320.00	1,500.00—	180.00
3 Janitors	1,620.00	1,740.00—	360.00
4 Orderlies	1,740.00	1,860.00—	480.00
1 Maintenance Mechanic	2,660.00	2,784.00—	124.00
			\$3,964.00

I. SERVICES—PERSONAL

II. Salaries and Wages Regular

Department of Public Health & Hospitals  
Public Health General

	FROM	TO	
1 Health Laboratory Technician	\$2,400.00	\$2,520.00—	\$ 120.00
1 Medical Stenographer	2,040.00	2,100.00—	60.00
1 Sec'y. To Supt. Child Hygiene	1,980.00	2,040.00—	60.00
1 Supv. Sanitary Inspector	2,940.00	3,000.00—	60.00
12 Sanitary Inspectors	2,400.00	2,520.00—	1,440.00
1 Supv. Meat Inspector	2,940.00	3,000.00—	60.00
1 Wholesale Meat & Poultry Inspr.	2,400.00	2,520.00—	120.00
4 Meat Inspectors	2,400.00	2,520.00—	480.00
1 Supv. Food Inspector	2,940.00	3,000.00—	60.00
6 Food Inspectors	2,400.00	2,520.00—	720.00
1 Stenographer-Clerk	1,920.00	2,040.00—	120.00
1 Tel. Switchboard Operator	1,680.00	1,740.00—	60.00
			\$3,360.00

## I. SERVICES—PERSONAL

## II. Salaries and Wages Regular

Department of Public Health & Hospitals  
Dairy Division  
Administration

	FROM	TO	
1 Supervising Dairy Inspector	\$2,940.00	3,000.00—	\$ 60.00
6 Dairy Plant Sanitarians	2,400.00	2,520.00—	720.00
1 Dairy Plant Sanitarian	2,820.00	2,880.00—	60.00
2 Dairy Plant Sanitarians	2,400.00	2,520.00—	240.00
1 Account Clerk Stenographer	2,160.00	2,280.00—	120.00
1 Supv. Milk Laboratory Tech.	2,400.00	2,520.00—	120.00
1 Milk Laboratory Helper	1,320.00	1,440.00—	120.00
			\$1,440.00

## I. SERVICES—PERSONAL

## II. Salaries and Wages Regular

Department of Public Health & Hospitals  
Tuberculosis Prevention

	FROM	TO	
1 Medical Secretary	\$2,040.00	\$2,160.00—\$	120.00
			\$ 120.00
Grand Total			\$61,180.00

Section 2. This Ordinance shall be in full force and effect upon its passage, approval by the Mayor and compliance with all laws pertaining thereto.

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

## INTRODUCTION OF GENERAL ORDINANCES

By the Board of Public Safety:

### GENERAL ORDINANCE NO. 98, 1950

AN ORDINANCE establishing a certain passenger and/or loading zone in the City of Indianapolis, pursuant to the provisions of Section 26 of General Ordinance No. 96, 1928, as amended; 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 for the purpose of providing the owners and occupants of certain premises fronting on certain public streets in the City of Indianapolis with ingress and egress for passengers, materials and merchandise coming to or going from such premises, such owners or occupants having complied with the provisions of Section 26 of General Ordinance No. 96, 1928, as amended, and the Board of Public Safety, after due investigation having recommended the establishment of the same, the following passenger and/or

loading zone be and the same is hereby established in the City of Indianapolis, to-wit:

- (a) A loading zone beginning at a point at the north building line of 1110-1114 East 22nd Street, and extending 50 feet south on the west side of Alvord Street, for the use and occupancy of the Precision Machine Company, 1110 E. 22nd Street.

Section 2. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Which was read for the first time and referred to the Committee on Public Safety.

By the Board of Public Safety:

GENERAL ORDINANCE NO. 99, 1950

AN ORDINANCE prohibiting and regulating parking on certain parts of a certain street in the City of Indianapolis, providing a penalty for the violation thereof 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 it shall be unlawful for the owner or operator of any vehicle to park the same or suffer permit or allow the same to be parked for a longer period than one and one-half (1½) hours, between the hours of 9:00 A.M. and 4:00 P.M. upon certain parts of a certain street described as follows:

Both sides of East Michigan Street from the east curb line of East Street to the west curb line of Noble Street.

Section 2. That it shall be unlawful for the owner or operator of any vehicle to park the same or suffer permit or allow the same to be parked between the hours of 7:00 A.M. and 9:00 A.M. and between the hours of 4:00 P.M. and 6:00 P.M. upon certain parts of a certain street in the City of Indianapolis, described as follows:

Both sides of East Michigan Street from the east curb line of East Street to the west curb line of Noble Street.

Section 3. It shall be unlawful for the owner or operator of a vehicle to park the same or suffer, permit or allow the same to be parked at any time upon certain parts of a certain street in the City of Indianapolis, described as follows:

On the north side of East Michigan Street from the west curb line of East Street to the east curb line of Massachusetts Avenue.

Section 4. Any person violating any provision of this ordinance shall upon conviction be fined in any sum not exceeding three hundred dollars (\$300.00) to which may be added imprisonment not exceeding one hundred eighty (180) days.

Section 5. This ordinance shall be in full force and effect from and after its passage, approval by the mayor and publication according to law.

Which was read for the first time and referred to the Committee on Public Safety.

By the Board of Public Health and Hospitals:

GENERAL ORDINANCE NO. 100, 1950

AN ORDINANCE regulating and controlling the sale, or other disposition, of any contraceptive and protective articles or devices; and providing a penalty for its violation.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF INDIANAPOLIS, INDIANA:

Section 1. The common council hereby declares that the strict regulation of the sale, or other distribution of contraceptive and protective devices of every kind and for every purpose, particularly those known as condoms, or those having similar uses or purposes, and which are not now regulated by statute, is necessary for the preservation of the public peace, morals, health, safety and the general welfare of this community; and that the indiscriminate access

to and sale or obtaining of any such devices by or for persons of all ages, and for immoral uses, when dispensed and sold by vending machines, or at places, or by persons not expressly so authorized, and where not subject to supervision and control of the public authorities, encourages immorality and the risk of contracting venereal diseases and is inimical to the public morals, health and welfare and should be strictly regulated and controlled. This ordinance is designed to augment and further the public policy of this State, in the exercise of the general police powers of the city in the subject matter hereof.

Section 2. That to effect such declared purpose, it shall be unlawful for any person, corporation, co-partnership, or association, acting directly or indirectly and in any capacity, except as hereinafter permitted and specified, to sell, offer or expose for sale, give away, or otherwise distribute or dispose of, at any place in the City of Indianapolis, or in any manner, by vending machines or otherwise any form or kind of contraceptive or protective device, or article, such as condoms, composed of any kind of materials and designed or intended to hinder or prevent conception, or the contraction of venereal disease; or to dispose similarly of any other manufactured device, including pessories or diaphragms, designed and intended for use in hindering or preventing conception, or in protecting against infectious diseases, and in so encouraging immoral practices; or to display or expose to general view any packages or containers containing any of the same; or to advertise, proclaim, or publish in any manner within this city such articles for sale, or for such use or disposition thereof, except by advertisements thereof in bona fide recognized pharmaceutical and medical publications and pamphlets.

Section 3. The sale, gift, or other disposition in this city of any devices or articles of the kind and for the uses and purposes described in the previous sections of this ordinance shall henceforth be limited and confined, as follows: at wholesale, by manufacturers thereof to wholesale druggists, jobbers in such goods, or other manufacturers and by their resales thereof in original packages solely to and for those herein permitted to deal therein at retail, or professionally; and at retail, by any physicians and surgeons duly licensed so to practice in the State of Indiana, and also, by bona fide retail drugstores holding permits of the State for such general business and employing therein a pharmacist who is duly registered as such under the laws of the State of Indiana. That all sales, or

other disposition at retail, of any such articles or devices, shall be solely by those so authorized, as aforesaid, and shall be made and confined to the aforesaid respective regular offices or places of business of such physician or surgeon, or of such druggist, and be made by or under the direction of such pharmacist employed therein; and deliveries by them, pursuant to such sales, may be made to the person authorized to purchase such articles or devices. All such articles or devices shall be kept in and sold from places on the premises which are wholly concealed from the view or attention of patrons, and no sales or other disposition thereof shall be advertised or solicited in any manner, or be made at any place by any vending machine, or otherwise than directly by the persons aforesaid at their said regular places of business. All original packages or containers of any such articles or devices and any retail container thereof shall bear the identification of the manufacturer thereof.

Section 4. Any contraceptive or protective device, of the type commonly known as a condom, and so sold or disposed of, must be made of sound materials, be free of holes, blisters, imperfect rings, or other defects, be at least seven inches in length, and if made of rubber or other elastic material shall be capable of enduring inflation with at least one cubic foot of air without breaking, when so sold by the manufacturer thereof; and the manufacturers must so guarantee and warrant to the buyer and the public such standard of quality, and they shall make any tests necessary to fulfill such standard as to every such device or article so sold by them for resale in this city. No such devices shall be sold or offered for sale, either at wholesale or at retail in this city, unless so tested, guaranteed and warranted by the manufacturer thereof.

Section 5. No sale or other disposition at retail of any such articles or devices aforesaid shall be made except to and for a person at least twenty-one years of age, except upon the prescription of a duly licensed physician or surgeon; and the seller may, in his discretion, require a statement of such age of the buyer and of the intended user of any such device by every buyer, and of their names and addresses, and in any such instances he shall keep a record thereof which shall be available to the State Board of Pharmacy. Any person either so selling or disposing of any such article or device to or for one actually known, or so ascertained, by him as not of such minimum age; or any person misrepresenting such minimum age of the person buying such article or device, or for whom it is bought, shall be guilty of violating this ordinance.

Section 6. Any person, corporation, co-partnership or association, whether as principal, or as agent or employee, violating any of the provisions of this ordinance shall be subject to a penalty or fine of not to exceed three hundred dollars; and each day such violation continues, and each unlawful transaction, shall constitute separate offenses.

Section 7. All ordinances and parts of ordinances in conflict herewith are hereby repealed; and General Ordinance No. 26, 1950, of said City of Indianapolis, Indiana, is hereby expressly repealed.

Section 8. If any section, clause, word, or provision of this ordinance be declared invalid by any court, the same shall be severable, and the common council declares it would have ordained all other portions hereof, without the inclusion of any such invalid portions, where the parts remaining are capable of enforcement.

Section 9. In order to afford those now so operating lawfully, but contrary to the provisions of this ordinance, an opportunity to cease or close such businesses and to dispose of any such vending machines and merchandise, this ordinance shall be in full force and effect thirty days from and after its passage, approval by the mayor and publication for the full period as required by law.

Which was read for the first time and referred to the Committee on City Welfare.

By the City Controller:

GENERAL ORDINANCE NO. 101, 1950

AN ORDINANCE authorizing the City Controller of the City of Indianapolis to make a temporary loan in the sum of One Million One Hundred Thousand (\$1,100,000.00) Dollars for the use of the general fund of the City of Indianapolis in anticipation of current taxes of the City of Indianapolis actually levied and in the course of collection for the fiscal year in which said loan is made payable; providing for the interest to be charged therefor; providing for the legal notice and the time when said loan shall mature; and fixing a time when the same shall take effect.

WHEREAS, The City of Indianapolis is now and will continue to



be until on or about the 21st day of May, 1951, without sufficient funds to meet current expenses for the year 1951 for municipal purposes as provided in the annual budget of 1951, and

WHEREAS, the first semi-annual installment of taxes for the year 1951 will amount to more than One Million One Hundred Thousand (\$1,100,000.00) Dollars:

NOW THEREFORE:

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF INDIANAPOLIS, INDIANA:

Section 1. That the City Controller is hereby authorized and empowered in the year 1951 to negotiate a temporary loan in anticipation of the current taxes for the general fund of the City of Indianapolis actually levied in the year 1950 and in the course of collection in the fiscal year 1951, not to exceed the sum of One Million One Hundred Thousand Dollars (\$1,100,000.00) without considering the interest thereon to be added thereto, for a period not to exceed the time hereinafter fixed in this ordinance, at a rate of interest not to exceed four per cent (4%) per annum, the rate of interest to be fixed by the lowest interest bid for said loan. Said loan shall run for a period of not exceeding one hundred thirty-five (135) days. The City Controller is authorized to make sale of said time warrants, after notice thereof shall have been published by the City Controller once each week for two consecutive weeks in two newspapers of general circulation, printed in the English language and published in the City of Indianapolis, said sale is to be not less than ten (10) days after the last publication of said notice. Said time Warrants are to be signed by the Mayor of the City of Indianapolis, and seal of the City of Indianapolis to be attached thereto, and said time warrants shall be payable at the office of the City Treasurer in the City of Indianapolis, Indiana; and to the payment of said time warrants to the current revenues and taxes thus levied in the year 1950, payable in the year 1951 for the General Fund of the City of Indianapolis, are hereby irrevocably appropriated and pledged.

Section 2. For the repayment of the principal amount of the temporary loan herein authorized by this ordinance there is hereby appropriated to the City Controller's 1951 Budget Fund No. 63—Payment of Temporary Loans (hereby established) out of the current revenues and taxes levied in the year 1950, payable in the

year 1951, for the General Fund of the City of Indianapolis, the sum of One Million One Hundred Thousand (\$1,100,000.00) Dollars; and for the payment of the interest thereon there is hereby appropriated to the City Controller's 1951 Budget Fund No. 61-2—Interest on Temporary Loans, out of the above designated revenues and taxes the sum of Five Thousand One Hundred Dollars (\$5,100.00).

Section 3. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor, and compliance with all laws pertaining thereto.

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

By the City Controller:

GENERAL ORDINANCE NO. 102, 1950

AN ORDINANCE authorizing the City of Indianapolis, to make a temporary loan in the amount of One Hundred Twenty-Five Thousand (\$125,000 00) Dollars, for the use of the Board of the Indianapolis Police Pension Fund of the City of Indianapolis, in anticipation of and payable out of the current taxes for the Indianapolis Police Pension Fund actually levied for said fund, and in the course of collection for the fiscal year in which said loan is made payable; and fixing a time when the same shall take effect.

WHEREAS, on the 28th day of November, 1950, the Board of Trustees of the Indianapolis Police Pension Fund of the City of Indianapolis, Indiana, has, by resolution duly adopted, determined to make a temporary loan in the sum of One Hundred Twenty-Five Thousand (\$125,000.00) Dollars, principal amount, without considering the interest thereon to be added thereto in a sum not to exceed One Thousand (\$1,000.00) Dollars in anticipation of and payable out of current taxes for the Police Pension Fund actually levied, and in the course of collection for the fiscal year in which this loan is made payable, and has requested the Common Council of the City of Indianapolis to authorize such temporary loan; and

WHEREAS, the Board of Trustees of the Indianapolis Police Pension Fund of the City of Indianapolis is now and will continue to

be until on or about the 21st day of May, 1951, without sufficient funds to meet the payment of pensions and benefits to retired members and dependents of deceased members and other death benefits, and for other necessary current and incidental expenses of the year 1951, as provided in the annual budget of 1951, payable out of the Police Pension Fund; and

WHEREAS, the first semi-annual installment of taxes levied by the City of Indianapolis for the use of the Police Pension Fund for the year 1951 will amount to more than One Hundred Twenty-Five Thousand (\$125,000.00) Dollars, NOW THEREFORE

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF INDIANAPOLIS, INDIANA:

Section 1. That the City Controller of the City of Indianapolis is hereby authorized and empowered to negotiate for and obtain a temporary loan in the year 1951, for the use and benefit of the Board of Trustees of the Indianapolis Police Pension Fund of the City of Indianapolis, Indiana, in anticipation of the current taxes for said Police Pension Fund actually levied in the year 1950, and in the course of collection in the fiscal year 1951, for the use of the Police Pension Fund, not to exceed the sum of One Hundred Twenty-five Thousand (\$125,000.00) Dollars, without considering the interest thereon to be added thereto, for a period not to exceed the time hereinafter fixed in this ordinance, at a rate of interest not to exceed four per cent (4%) per annum, the rate of interest to be fixed by the lowest interest bid for said loans. Said loan shall run for a period of not exceeding One Hundred Thirty-five (135) days. The City Controller is authorized to make sale of said time warrants after a notice thereof shall have been published once each week for two consecutive weeks in two newspapers of general circulation, printed in English language and published in the City of Indianapolis, and said sale to be not less than ten (10) days after the last publication of said notice. Said time warrants are to be signed by the Mayor of the City of Indianapolis, and the City Controller, countersigned by the president of the Board of Trustees of the Indianapolis Police Pension Fund of the City of Indianapolis, and attested by the City Clerk, and the seal of the City of Indianapolis to be attached thereto, and said time warrants shall be payable at the office of the City Treasurer of the City of Indianapolis, and to the payment of said time warrants the current revenues and taxes levied in the year 1950, and payable in the year 1951, for the Police Pension Fund of

the City of Indianapolis, are hereby irrevocably appropriated and pledged.

Section 2. That for the repayment of the principal amount of the temporary loan herein authorized by this purchase there is hereby appropriated to Police Pension Fund No. 57—Payment of Temporary Loans (hereby created) out of the current revenues and taxes for the year 1950, payable in the year 1951, for the Police Pension Fund of the City of Indianapolis, the sum of One Hundred Twenty-five Thousand (\$125,000.00) Dollars; and for the payment of the interest thereon is hereby appropriated to Police Pension Fund No. 58—Interest on Temporary Loans (hereby created) out of the above designated revenues and taxes the sum of One Thousand (\$1,000.00) Dollars.

Section 3. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

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

By the City Plan Commission:

GENERAL ORDINANCE NO. 103, 1950

AN ORDINANCE to amend General Ordinance No. 114, 1922 (as amended), commonly known as the Zoning Ordinance of the City of Indianapolis, Indiana, 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 General Ordinance No. 114, 1922 (as amended), commonly known as the Zoning Ordinance of the City of Indianapolis, Indiana, be and the same is hereby amended, supplemented and extended as to the U3 or Business District A4 or 1200 Square Feet Area District, and H1 or 50 Feet Height District, so as to include the following described territory, to-wit:

Beginning at a point, said point being on the south property line of Kelly Street and seventeen hundred seventy and two

hundred eighty-five thousandths (1770.285) feet west of the east line of the northeast quarter of Section 19, Township 15 North, Range 4 East, in Marion County, Indiana; thence south a distance of one hundred thirty-three (133) feet to a point; thence west on a line parallel to the south property line of Kelly Street a distance of four hundred one and six-tenths (401.6) feet to a point; thence north a distance of one hundred thirty-three (133) feet to the south property line of Kelly Street; thence east on and along the south property line of Kelly Street to the place of beginning.

Section 2. This ordinance shall be in full force and effect from and after its passage, approval by the Mayor and publication according to law.

Which was read for the first time and referred to the Committee on Public Health.

By the City Plan Commission:

GENERAL ORDINANCE NO. 104, 1950

AN ORDINANCE to modify and reordain the substance of the provisions of General Ordinance No. 114, 1922, as heretofore amended, by revising, deleting, adding to, rearranging and supplementing many of the provisions thereof; except those relating to the classification of all land within the corporate limits of the City as established by the District Zoning maps, and except for the continuance without change of the Board of Zoning Appeals, which aforesaid excepted provisions are hereby reordained and re-enacted; and fixing a time when this ordinance shall take effect.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF INDIANAPOLIS, INDIANA:

Section 1. Statement of Purpose.

The purpose of this ordinance, by its zoning and other provisions, is to recodify General Ordinance No. 114, 1922, as amended, and thereby to further the accomplishment of the objectives of the master plan of the city to the end that the public health, safety, comfort, morals, convenience and general public welfare be pro-

moted; that adequate light, air, convenience of access, and safety from fire, flood, and other danger may be secured; that congestion in the public streets may be lessened or avoided; that in the growth of the city provision may be made for adequate highway, utility, health, educational and recreational facilities; that residential areas provide healthy surroundings for family life; and that industry and business be recognized in the future growth of the city; that the provisions of the existing zoning ordinance be expanded and rearranged, as herein amended, reordained and revised; but with the intent that the classification of all land use within the corporate limits of the city, as established by the District Zoning maps heretofore adopted, enlarged and revised by said ordinance and the amendments thereto, shall continue in full force and effect and all thereof are hereby reordained and re-enacted, and with the further purpose and intent that the Board of Zoning Appeals, as created and designated by said General Ordinance No. 114, 1922, as amended, shall remain in full force and effect, as so authorized by Section 65, Chapter 174, Acts of 1947, of the General Assembly of the State of Indiana, and such provision of said prior ordinance is hereby reordained and re-enacted.

## Section 2. Definitions.

Certain words in this ordinance are defined for the purpose hereof as follows:

1. Words used in the present tense include the future tense; the singular number includes the plural and the plural the singular; the word "Lot" includes the word "Plot" or "Parcel" and the word "Building" includes the word "Structure."
2. Accessory Building—A subordinate building or structure on the same lot with a main building, but separated from said building and devoted to an accessory use.
3. Accessory Use—A use naturally and normally incidental to, subordinate to, and auxiliary to the permitted use of the premises.
4. Alley—A public thoroughfare or way, not more than thirty (30) feet wide, not bearing a street name established by ordinance of the Common Council or by common usage and

affording only a secondary means of access to abutting property, customarily used for ingress to and egress from side or rear entrances to buildings or premises.

5. Apartment—A room or suite of rooms arranged, designed, used or intended to be used as a single housekeeping unit.
6. Apartment House—A building arranged, intended, designed or altered to contain three or more apartments.
7. Block—All that part of land fronting on one side of a street which is between two intercepting or intersecting streets.
8. Building—Any structure with substantial walls and roof securely affixed to land and entirely separated on all sides from any similar structure by space or by walls in which there are no communicating doors, windows or similar openings.
9. Dwelling House—A residential building arranged, intended, designed or altered to be occupied as a house or residence by not more than two families living independently of each other and doing their own cooking upon the premises.
10. Family—One or more individuals living under one roof as a single household with one head and being related to one another by marriage, consanguinity or legal adoption, with a common and single set of culinary facilities. The persons thus constituting a family may also include gratuitous guests and domestic servants.
11. Garage, Private—A compartment within or attached to a residential building either directly or by a connecting breezeway, or a detached accessory building or part thereof, designed, arranged, altered, used or intended to be used for the storage of private passenger motor vehicles or unoccupied passenger or house trailers, provided that such detached building is not more than one story in height, not more than fifteen (15) feet in height, and is separated from any other building such distance as may be required by the building code or by this ordinance.
12. Garage, Public—A building other than a private garage, designed, arranged, altered, used or intended to be used for

the commercial storage, mechanical servicing or repair of motor vehicles or trailers (when such use is not on the same premises with and accessory to a permitted use.)

13. Grade, Established—The elevation of the street curb as fixed by the city.
14. Grade, Natural—The elevation of the undisturbed natural surface of the ground adjoining a building where such surface is higher than the street curb.
15. Height of a building—The vertical distance, measured at the center line of a building's principal front, from the established grade or from the natural grade if higher than the established grade, to the highest point in the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge of a gabled or hipped roof, or to the mean height level of a domed or curved roof measured between top of supporting wall and highest point of such roof. Where there are structures wholly or partly above the roof the height shall be measured to the level of the highest point of the building. When a building does not adjoin a street the measurement shall be taken from the average natural grade of the ground adjoining such building.
16. Hotel—A building or part thereof, or a group of buildings in which the rooms are usually occupied for hire by transient lodgers, with a public register and occupancy clerk. Includes enterprises known as "tourist homes", "motor courts", "motels", and other appellations connoting an enterprise of like character to that of a hotel as herein defined.
17. Lot—A parcel of land occupied or to be occupied by one building and the accessory building or uses customarily incident to the permitted use thereof, including such yards and spaces as are required by this ordinance.
18. Lot, Corner—A lot situated at the junction of two (2) streets which intersect at an angle of not more than 120 degrees.
19. Lot, Interior—A lot other than a corner lot.
20. Lot Lines—The boundaries of a lot, dividing it from abutting



public ways or other abutting lots. Lot Lines are designated as follows:

(a.) Front lot line—The dividing line between the lot and the right-of-way of the street on which it fronts. On a corner lot the shorter street line only shall be deemed to be the front lot line.

(b.) Rear lot line—The lot line opposite the front lot line.

(c.) Side lot line—Any lot line other than a front or rear lot line.

21. Off-Street Loading Space—A ground or floor area or space within, adjoining, or on the same premises with a building or structure for standing, loading or unloading vehicles, and not located within the entire right-of-way of any public street or alley or thoroughfare provided for the movement of vehicular or pedestrian traffic and having minimum dimensions of ten (10) feet in width, twenty-five (25) feet in length, and fourteen (14) feet in height clearance.

22. Off-Street Parking Space—A ground or floor area or space within, on the same premises with, or in a building or on an open lot within five hundred (500) feet of a building, structure or premises, for storage or parking of motor vehicles, motor-drawn trailer vehicles, or automobiles, as an accessory to the use of such building, structure or premises; such space containing not less than a net area of two hundred (200) square feet for one such vehicle, exclusive of adequate interior driveways and ingress or egress driveways, and not located within the entire right-of-way of any public street or alley or thoroughfare provided for the movement of vehicular or pedestrian traffic.

23. Person—The word "person" shall include a natural person, corporation, copartnership, association and all other forms of organization; the masculine gender shall include the feminine and neuter genders.

24. Rooming House—A house or building in which the owner or lessee of the structure offers and provides sleeping accom-

modations in more than two rooms or for more than four persons who pay for such lodging, usually on a weekly or monthly basis, and where meals may be furnished to such persons.

25. Street Wall—That wall of a building which is nearest and most nearly parallel to the street line.
26. Yard—A space on the same lot with a building, open from the ground to the sky except where otherwise permitted by this ordinance. Dimensions of yard widths are the minimum horizontal distances between the walls of a building and the lot lines that are nearest and most nearly parallel thereto. Yards are designated as follows:

(a.) Front Yard—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, and extending across the full width of the lot.

(b.) Rear Yard—A space extending across the full width of the lot between the rear line of the main building and the rear line of the lot.

(c.) Side Yard—An open unoccupied space extending from the front yard to the rear yard between the side lot line and the nearest line of the main building or of any accessory building attached thereto either directly or by a connecting breezeway.

### Section 3. Establishment of Districts.

#### Subsection (a.) Purpose—Division into Districts—Map.

For the purpose of classifying, regulating and limiting the height, area and use of buildings hereafter to be erected, altered or used, and of regulating and determining the area of front, rear and side yards and other open spaces about buildings and of regulating and determining the use and intensity of use of land and lot areas and of classifying, regulating and restricting the location of trades, callings, 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 district, termed respectively class H1, H2, H3 and H4; and into seven classes of area districts, termed respectively class AA, A1, A2, A3, A4, A5 and A6; all as shown on the District Zoning Plats, which constitute the district or zone map, and which designate the territories and parts of the City of Indianapolis embracing the foregoing districts, as heretofore established by General Ordinance No. 114, 1922, and as thereafter amended by ordinances amendatory or supplementary thereto, and said map and plats are hereby readopted and reordained and continued in full force and effect. The use, height and area districts designated on said map and plats are continued in full force and effect. All symbols, designations, marks and rules interpreting said symbols, designations and marks appearing on said map and plats are hereby declared a part thereof. Since it is deemed impractical to publish said plats for general public distribution they shall be kept on file open to the public in the office of the City Plan Commission.

#### Subsection (b.) Map Interpretations.

When definite distances in feet are not shown on the district zoning plats which make up the zone map, the district boundaries on said plats are intended to be along the 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 plats. Where the streets or alleys on the ground differ from the streets or alleys as shown on said plats the Board of Zoning Appeals may apply the district designations on the plats 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 said plats 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.

Subsection (c.) U6 and U7 Uses.

In addition to the five classes of use districts above specified, which are shown on the zone map, two additional classes of use which by reason of their nature cannot be shown as districts on the zone map are continued in effect, namely, U6 or prohibited uses, and U7 or special permit uses.

Section 4. Scope.

No building or structure, or part thereof, shall be erected, constructed, reconstructed, or altered, and no building, structure, or land, or part thereof, shall be used except in conformity with this ordinance.

Section 5. Class U1 Uses—Dwelling House District.

Subsection (a.) Permitted Uses.

In a Class U1 or Dwelling House District, no building or part thereof shall be erected, altered or used, or premises used in whole or in part, for other than the following uses:

1. Dwelling, one-family. Dwelling, two-family, only when located on a lot having sufficient area to meet requirements of the area district in which the lot is located.
2. Public Park; public playgrounds; public recreation building, if located in a public park or playground; water supply reservoir well or filter bed.
3. Railway passenger station; railway right-of-way, not including railway yards.
4. Growing of vegetables, fruits, flowers, grasses, shrubs, vines and trees, provided such operation is not for profit.

Subsection (b.) U1 Uses Subject to Specified Requirements.

In a Class U1 or Dwelling House District a building or structure or part thereof may, however be erected, altered or

used, or premises used in whole or in part for any of the following uses, to-wit:

1. Church, including accessory building such as church school, or church office with accessory parking areas and other facilities necessary for the carrying out of the program of a church as a part of the community life.
2. Kindergarten, Grade or High School or College or University not operated for pecuniary profit; playground, recreation or athletic field including accessory equipment, structures and parking facilities, owned, operated, maintained or supervised by a church, civic or school organization not as a commercial enterprise; public library, public museum, or community center building not located in a public park or playground. Fire Station. Police Station.
3. Private Club, not for profit, not including a club of which the chief activity is a service customarily carried on as a business; dormitory, or sorority or fraternity house or dwelling used for lodging, with or without meals, by the membership of a chartered organization; Boarding School, when not operated for pecuniary profit.
4. Philanthropic or eleemosynary use of institution other than a penal or correctional institution; Hospital; Sanitarium; Nursing Home; Convalescent Home; and homes for the care of the aged, infirm, blind and children, other than for the insane or feeble minded. Day nursery.

if such building, structure, or use is located:

1. On a lot already devoted to one of the uses enumerated in the particular subdivision of Subsection (b) in which the proposed use is classified, or
2. On a lot determined by the Board of Zoning Appeals after public notice and hearing to be so located that such building or use will, in the judgment of said Board, substantially serve the public convenience and welfare, and will not substantially or permanently injure the appropriate use of neighboring property.
3. Provided however that any building or structure included in

Subdivisions 2 and 4 of this Subsection is not less than five hundred (500) feet distant by straight line from buildings or above-ground tanks used for bulk storage of inflammable liquids or gases or of materials, liquids or gases that give off corrosive or toxic fumes.

Section 6. Offstreet Parking.

Subsection (a.) Offstreet Parking Required.

Within the City of Indianapolis, with the exception of the area commonly known as the Mile Square, which is included within the boundary lines formed by the center lines of North Street, East Street, South Street and West Street; for each building or structure erected, and for any addition to any building or structure arranged, designed or intended to be used for any of the uses enumerated in Subdivisions 1, 2, 3, and 4, of Subsection (b) of Section 5, subsequent to June 4, 1949, offstreet parking spaces conforming with the definition thereof as stated in Section 2 (23) of this ordinance shall be provided as follows:

1. For every building, structure or part thereof, or premises arranged, designed or intended to be used for any of the uses enumerated in Subdivisions 1 and 2 of Subsection (b) of Section 5, there shall be provided and maintained at least one (1) space for the storage or parking of one automobile or motor vehicle for each ten (10) seats or similar vantage accommodations provided in such building, structure, or part thereof, or premises if same was not erected or devoted to such uses prior to June 4, 1949.
2. For every building, structure or part thereof designed, arranged or intended for use as a private club as listed in Subdivision 3 of Subsection (b) of Section 5 and erected subsequent to June 4, 1949, there shall be provided and maintained at least one (1) space for the storage or parking of one automobile or motor vehicle for each ten (10) seats or similar vantage accommodations provided in such building, structure or part thereof, and if such private club provides guest rooms, there shall be provided and maintained additionally at least one (1) such parking space for each of the first twenty (20) individual guest rooms or suites; one (1) additional parking space for every four (4) guest rooms or suites in excess

of twenty (20) but not exceeding forty (40); and one (1) additional parking space for every six (6) guest rooms or suites in excess of forty (40), provided in the building or buildings of such private club.

3. For every building, structure or part thereof designed, arranged, or intended for use as a dormitory, or sorority or fraternity house or dwelling used for lodging, with or without meals, by the membership of a chartered organization, or for a boarding school when not operated for pecuniary profit, there shall be provided one (1) such parking space for each eight (8) occupants of such building, structure or part thereof, if erected subsequent to June 4, 1949.
4. For every building, structure or part thereof designed, arranged or intended to be used for any of the uses enumerated in Subdivision 4 of Subsection (b) of Section 5, there shall be provided and maintained at least one (1) parking space for the storage or parking of one (1) automobile or motor vehicle for every one thousand (1000) square feet of gross floor area in such building, structure or part thereof if erected subsequent to June 4, 1949.
5. For every railway passenger station erected subsequent to the effective date of this ordinance there shall be provided and maintained at least twenty (20) spaces for the parking and storage of automobiles for each main track closely adjacent to such station.

#### Subsection (b.) Construction of Off-Street Parking Areas.

All open air off-street parking areas shall be graded and properly drained, with surface paved or treated with a dust palliative, and shall be so maintained at all times.

Whenever such areas adjoin residential property, a screen of shrubbery not less than five (5) feet high shall be planted and maintained along the property line of such adjoining property, and a barrier such as a curb, wall or guard rail strong enough to stop motor vehicles shall be provided along such property line, and also along any property line abutting on any sidewalk, street, alley, or public way except at points of ingress or egress.

Any lights used to illuminate such parking areas shall be so installed as not to reflect or cause glare into neighboring properties or adjacent streets.

Subsection (c.) Written Declaration Required.

A written declaration that adequate and readily accessible offstreet parking area meeting the requirements of this section is provided shall be filed with each building permit issued, for a building or structure for which such parking area is required. Such declaration shall be signed by the owner of the building or premises or by his legal agent and the owner shall furnish adequate proof in support of same. The Commissioner of Buildings shall withhold such building permit until such declaration is furnished and accepted.

Section 7. Class U2 Uses—Apartment House District.

Subsection (a.) Permitted Uses.

In a Class U2 or Apartment House District no building or structure or part thereof shall be erected, altered or used, or premises used in whole or in part, for other than the following permitted uses:

1. Any use permitted under Section 5 (a.) in a U1 District.
2. Apartment House, three or more families.
3. Rooming House, Lodging House, Boarding House.

Subsection (b.) U2 Uses Subject to Specified Requirements.

In a Class U2 or Apartment House District, a building or structure or part thereof may, however be erected, altered or used, or premises used in whole or in part for a use enumerated in Subdivisions (1), (2), (3) or (4) of Subsection (b) of Section 5, Class U1 Uses, if located:

1. On a lot already devoted to one of the uses enumerated in the particular subdivision of said Subsection (b) in which the proposed use is classified.
2. On a lot determined by the Board of Zoning Appeals after



public notice and hearing to be so located that such building or use will in the judgment of said Board, substantially serve the public convenience and welfare, and will not substantially or permanently injure the appropriate use of neighboring property.

3. So that any building or structure included in Subdivisions 2 or 4 of Section 5, Subsection (b) is not less than five hundred (500) feet distant by straight line from buildings or above-ground tanks used for bulk storage of inflammable liquids or gases, or of materials, liquids or gases that give off corrosive or toxic fumes.

#### Subsection (c.) Offstreet Parking Required.

Within the City of Indianapolis, except within the area commonly known as the Mile Square described in Section 6, Subsection (a.), for each apartment house erected, and for any addition to any existing apartment house and for each dwelling house converted to an apartment house, subsequent to June 4, 1949, there shall be provided and continuously maintained at least one (1) offstreet parking space for the storage or parking of one automobile or motor vehicle for every three (3) apartments in such apartment house. All such parking spaces shall conform with the definition thereof as stated in Section 2, (23) of this ordinance and shall also conform with the provisions of Section 6, Subsections (b) and (c.).

#### Section 8. Accessory Uses in Residence Districts.

##### Subsection (a.) General.

An accessory use customarily incidental and subordinate to a use permitted in a Class U1 or U2 District shall be permitted in, respectively, a Class U1 or U2 District.

##### Subsection (b.) Garages.

In a dwelling house (U1) district a private garage permitted as an accessory use shall not provide storage for more than one motor vehicle for each 2000 square feet of the lot area. In an apartment house (U2) 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.

Subsection (c.) Signs.

A billboard, signboard or advertising sign shall in no case be permitted as an accessory use except that the placing of a temporary sign on a building, structure, or premises offering same or part thereof "for sale" or "for rent" shall, however, be permitted as an accessory use, such sign to be removed as soon as the intended sale or rental is negotiated, provided, that this permission shall not include signs advertising accommodations for rent to transients.

Subsection (d.) Professional Uses—Customary Home Occupations.

A store, trade, business or commercial service shall not be permitted as an accessory use except that the office of a physician, dentist, surgeon, chiropractor, osteopath or naturopath may be located in the dwelling or apartment used by such physician, dentist, surgeon, chiropractor, osteopath or naturopath, as his private home or 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 home or residence.

Subsection (e.) Roomers in U1 Districts.

In a dwelling or apartment occupied as a private home or residence not more than two sleeping rooms may be rented to not more than a total of four persons for a definite term of not less than one week, and table board may be furnished only to such occupants. Said roomers shall not have, maintain or use any separate culinary accommodations.

Subsection (f.) News Stand in Passenger Station.

A news stand may be located in a railway passenger station as an accessory use.

Section 9. Front Yards in U1 or U2 Districts.

Subsection (a.) Front Yard Restrictions.

In a U1 or U2 District, between a front yard line or building line as herein established and the front lot line, no building or structure or part thereof may be erected, altered or used other

than a one-story unenclosed porch or a fence or wall not exceeding 3½ feet in height.

Subsection (b.) Platted Building Lines—Deed Lines.

Whenever a plat of land subdivision approved by the City Plan Commission is on record in the office of the County Recorder which plat shows front yard or building lines along any street frontage in such subdivision, such lines shall apply as minimum requirements, provided, that in U1 or U2 Districts, if 50% or more of the lots on any one side of a street in a block with such a platted front yard or building line established are improved with houses set back farther than such platted line, the minimum building line shall be the average distance of such houses from the front lot line, provided, that no existing house with a front yard of more than one-half (½) of its lot depth shall be included in computing such average distance.

Whenever a minimum front building line distance for a lot is specified in a deed or recorded covenant but not shown on such an approved and recorded plat so as to apply to such lot, such building line shall apply unless the provisions of this ordinance otherwise require a greater setback, in which case the greater requirement shall prevail.

Subsection (c.) Building Lines in Unimproved Blocks.

On any one side of a street in a single block between two intersecting streets, in which block no residential buildings exist on lots fronting on such side of the street, and no building line is established by recorded plat, the first house to be erected shall be placed at a building line a distance from the front lot line equal to 1/3 of the average depth of the lot or fifty (50) feet, whichever is the lesser distance; provided, that no building line so established shall be less than twenty (20) feet from the front lot line. Such first house erected shall establish the building line for all houses subsequently erected in the same block and on the same side of the street in that block.

Subsection (d.) Building Lines in Improved Blocks.

On any one side of a straight street in a single block between two intersecting streets, in which block two or more buildings

permitted in U1 or U2 Districts exist, exclusive of buildings devoted to non-conforming or business or industrial uses and buildings set at the front lot line or at a distance of more than  $\frac{1}{2}$  the average depth of the lot back from the front lot line, and exclusive of the side line of a corner lot, any new residential building erected on a vacant lot located between two existing buildings shall be placed no nearer to the front lot line than a straight line running between the same respective corners of the two nearest houses, provided, that on a vacant corner lot, no new house need be set back from the front lot line farther than the nearest existing house on a lot within one hundred (100) feet on the same side of the street and in the same block, and provided further, that no building line established by the provisions of this section shall be nearer to the front lot line than any building line that may have been established for the same lot or block in a lawfully recorded plat, deed or covenant. In such cases where two or more houses exist in such a block, and a new house is erected on an interior lot that does not lie between two existing houses, the building line for such new house shall be the average of the distance of the front walls of all existing houses in such block from the front lot line.

Subsection (e.) Building Lines on Curving or Angling Streets.

On any one side of a curving or angling street in any single block between two intersecting streets, in which block two or more buildings permitted in U1 or U2 districts exist with the same exclusions as set forth in Subdivision (d) of this section, any new residential building erected on any vacant lot in such block shall be placed no nearer to the front lot line than the average distance from such front lot line of all existing buildings located in the same block and not excluded, provided that no building line has been established for the same lot or block in a lawfully recorded plat.

Section 10. Side Yards.

Subsection (a.) Side Yards Required.

For every building erected, altered or used for dwelling house or apartment uses in a U1 or U2 District, there shall be a side yard along each lot line other than a front lot line or a rear lot line.

Subsection (b.) Interpretation.

Each dwelling house 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.

A building and any accessory building in any way connected thereto, for the purpose of side yard requirements, shall be considered as a single building.

Where a side yard abuts an alley, the yard shall be deemed to extend to the center of such alley, but such center line shall not be deemed to be a lot line.

Subsection (c.) Side Yard Dimensions.

At least 20 percent of the average width of each lot shall be devoted to side yards, provided not more than 16 feet need be so devoted. The least dimension of a 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.

Subsection (d.) Side Yard Restrictions.

The area requirements in a side 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 ordinary projections of window sills, belt courses, and other ornamental features to the extent of not more than 4 inches, except that a cornice or eaves may project not over 2 feet into such yard.

Section 11. Rear Yards.

Subsection (a). Rear Yards Required.

Every building erected, altered or used for dwelling house or apartment use in a U1 or U2 District shall have a rear yard.

Subsection (b.) Rear Yard Dimensions.

The least dimension of the rear yard of a dwelling house in a U1 or U2 District shall be at least 15 per cent of the average depth of the lot, but such least dimension need not be more than 30 feet. The least dimension of the rear yard of any building other than a dwelling house shall be not less than one-half the height of the building.

Subsection (c.) Accessory Buildings in Rear Yards.

Forty percent of the area of the rear yard may be occupied by a detached 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 such building and an accessory building must be 25 feet on an interior lot or 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 dwelling house or apartment house.

Only one detached accessory building shall be permitted on any lot in a U1 or U2 District.

Subsection (d.) Interpretation.

A building and any accessory building in any way connected thereto, for the purpose of rear yard requirements, shall be considered as a single building.

Where a rear yard abuts an alley, the yard shall be deemed to extend to the center of such alley, but such center line shall not be deemed to be a lot line.

Subsection (e.) Rear Houses—Easement for Access.

Every building or structure used entirely or in part for dwelling house or apartment house residential use in a U1 or U2 District shall have direct access to a public street, and if any permanent dwelling unit is in a building located in the rear of any other building and detached therefrom, with no immediate street frontage, an easement for access shall be provided and recorded over

an unoccupied strip of land at least sixteen (16) feet in width, and such reserve strip may not form a part of any lot area required by this ordinance; provided, that for two or more such detached residential buildings in the rear of any other building or buildings, such easement shall be not less than forty (40) feet in width.

Section 12. Class U3 Uses. Business District.

Subsection (a.) Permitted Uses.

In a Class U3 or Business District no building or structure or part thereof shall be erected, altered or used, or premises used in whole or in part, for other than the following uses:

1. Any use permitted in U1 or U2 Districts, provided, that any of the uses enumerated in Section 5 (b) shall not be subject to the conditions set forth in said Section 5 (b) when located in a U3 District.
2. Stores and shops for the conducting of any retail business not specifically enumerated hereinafter. Banks. Offices. Hotels.
3. Restaurants, tea rooms, cafes and other places serving food or beverages.
4. Theatres, motion picture shows, radio or television shows or broadcasting studios; billiard or pool parlors, bowling alleys, dance halls, skating rinks, shuffleboard or table tennis establishments, boxing or wrestling arenas, or similar recreational or amusement enterprises or places of public assembly operated for profit or the promotion of commercial interests; automobile sales and service business, excluding repair or painting of motor vehicle bodies, and any other operations causing offensive or noxious odors or noises; and provided further, that each of the enumerated uses in this subdivision is contained within a completely enclosed building.
5. Kindergartens, schools, colleges, and dance or music studios operated for private gain.
6. Personal service establishment such as barber shops, beauty parlors, bath and massage parlors, shoe shine shops, pressing

shops, places for pickup and delivery only of articles for dry cleaning, shops for cleaning and blocking of hats, hand laundries, self-serve automatic laundering machine services, and shops for repair of such articles as clocks, typewriters, adding machines, watches, jewelry, radio and television sets, bicycles, shoes, and household appliances. Dental laboratories. Caterers. Blue printing service. Photographers.

7. Telegraph, telephone or express offices.
8. Shops for custom work, similar to dressmaking, tailoring, upholstering and bootmaking, small bakeries and confectionaries; subject to the conditions that for all such uses all work shall be done on the premises and not more than five (5) persons shall be employed in a productive capacity in any such shops at any one time; and all goods or articles produced shall be sold at retail on the premises; and any such operations shall not cause any objectionable or obnoxious noises or odors.
9. Undertaking or embalming establishments, mortuaries or funeral parlors.
10. Commercial parking lot for temporary storage of motor vehicles or trailers of any type, provided that such vehicles or trailers are not displayed for sale, nor stored to await sale, wrecking, or parts salvage, nor occupied or otherwise used on the premises. Buildings or premises used only for washing, cleaning or polishing motor vehicles provided no offensive noise or odors are created thereby.
11. Wholesale sales office or display room with accessory storage or warehouse space not exceeding seventy-five (75) percent of the total number of square feet of gross floor area of combined sales or display space and storage or warehouse space used in the same building and by the same firm or enterprise.
12. Buildings, structures or yards for the storage of street cars, trolley busses or motor busses. Motor bus passenger station. Electric substation.



13. Advertising sign, display, billboard, poster panel or advertising structure, subject however, to the following regulations and provisions:

(a) If the lot on which such sign, display, billboard, poster panel or advertising structure is to be located, is immediately adjacent to a lot classified in a U1 or U2 district, then a distance of at least four feet shall intervene between the closest part of such object and the adjacent lot line of property in U1 or U2 districts.

(b) If any sign, display, billboard, poster panel or advertising structure will be so located that the major part of such object will face in a direct manner, structures in a U1 or U2 district, then the illumination of such object shall be so limited that there will not be any obnoxious or offensive glare to the occupants of said properties in said U1 or U2 district; and in no event shall a sign, display, billboard or advertising structure having flashing or intermittent lights be permitted where the major part of such object faces in a direct manner, structures in a U1 or U2 district.

(c) Any billboard or poster panel erected on the ground in a U3 district on an interior lot directly abutting the side of a lot in a U1 or U2 district, or on corner lot directly abutting the side or end of a lot in a U1 or U2 district, shall be so placed that no part of such billboard or poster panel is nearer to the front lot line (or side street line in the case of a corner lot) than the front wall of any existing dwelling house or apartment house on such abutting lot in a U1 or U2 district (or the side wall thereof where such lot abuts the end of a corner lot that is in a U3 district).

No part of any billboard, poster panel, advertising display or advertising structure not on top of or suspended from a building shall exceed twenty-four (24) feet in height above the established grade.

(d) Only one unattached sign, display, billboard, poster panel or unattached advertising structure shall be permitted on a lot having a frontage of thirty (30) feet or less and on a lot having a frontage of more than thirty (30) feet one additional unattached sign, display or structure shall be per-

mitted for each thirty (30) feet of additional frontage or fraction thereof, if such fraction is not less than ten (10) feet.

Subsection (b.) U3 Uses Subject to Specified Requirements.

In a Class U3 or Business District, a building or structure or part thereof may, however be erected, altered or used or premises used in whole or in part which is arranged, intended or designed for any of the following enumerated uses when on a lot determined by the Board of Zoning Appeals, after public notice and hearing to be so located that such building, structure or use will, in the judgment of said Board, substantially serve the public convenience and welfare, and will not substantially or permanently injure the appropriate use of the neighboring property:

1. Oil and gasoline filling station. Automobile tire and battery service station. Garage for storage or repair of motor vehicles or automobile repair shop, when not on the same premises with and accessory to a use permitted under Subsection (a) of this Section. Automobile service stations at which other than minor emergency repair or adjustment work is done. Shops for repair of lawn mowers or outboard motors.
2. Ice delivery stations or ice vending machines. Premises used for sale or display only of cemetery markers, tombstones, headstones, monuments, statuary, or other ornamental stone work, or for display of portable buildings or other structures for sale.
3. Pet shop or store where live animals, birds, fish, reptiles or insects are kept and displayed for sale as a principal enterprise. Premises, buildings or structures used for housing, storage, lodging, boarding, propagating, or killing and dressing of live poultry, or small animals of any kind as a principal commercial enterprise.
4. Open air theatres, including open air moving picture shows and commercial radio or television shows in the open. Any commercial open air amusement or recreational enterprise, including amusement parks, roller-skating rinks, miniature

golf courses, outdoor shuffleboard courts or bowling alleys, race tracks for animals or motor vehicles, and baseball, football or athletic fields or stadia.

5. Open air lot or sales lot for display or sale of motor vehicles or trailers of any kind, or of boats or canoes.
6. Premises, buildings or structures commonly known as "drive-in" or "curb service" establishments, where food, beverages, ice cream or other refreshments are served to customers in parked cars for consumption at the place of service.
7. Any stand, structure, portable unit, vehicle placed on a lot, or any open area used temporarily for the sale or display of merchandise of any kind except motor vehicles or trailers used as an amusement enterprise for a term of more than thirty days.

Subsection (c.) Offstreet Parking Required.

Within the City of Indianapolis, with the exception of the area commonly known as the Mile Square, which is included within the boundary lines formed by the center lines of North Street, East Street, South Street, and West Street, no buildings shall be erected for commercial or business purposes, or for public or private assembly purposes, or any other use specified in this section, unless offstreet parking facilities as defined in Section 2 (23) are provided for the storage or parking of motor vehicles or automobiles in accordance with the following requirements:

1. For every business, commercial or office building or structure, there shall be provided and maintained at least one (1) parking space for the storage or parking of one automobile or motor vehicle for every five hundred (500) square feet of gross floor area in said building or structure.
2. For every building, structure, or part thereof, or premises used as a theatre, auditorium or similar place of assembly which is provided with seating facilities for an audience or congregation of people, there shall be provided and maintained at least one (1) space for the storage or parking of one automobile or motor vehicle for each ten (10) seats or similar vantage accommodations provided in such building.

- structure, or parts thereof, or premises; provided, that for a mortuary or funeral home containing chapels or layout rooms at least one (1) space for the storage or parking of one automobile or motor vehicle shall be provided and maintained for each one hundred (100) square feet of gross floor area or fraction thereof in said mortuary or funeral home.
3. For hotels, there shall be provided and maintained at least one (1) parking space for the storage or parking of one automobile or motor vehicle for each of the first twenty (20) individual guest rooms or suites; one (1) additional parking space for every four (4) guest rooms or suites in excess of twenty (20) but not exceeding forty (40) guest rooms, and one (1) additional parking space for every six (6) guest rooms or suites in excess of forty (40) guest rooms or suites, provided in said buildings.
  4. All open air offstreet parking area shall comply with the provisions of Section 6, Subsections (b.) and (c.).

Subsection (d.) Offstreet Loading Space Required.

No buildings or structures shall be erected for storage, warehouse, goods display, department store, wholesale store, market, hotel, mortuary, or other business uses enumerated in this section involving the receipt or distribution by vehicles, of materials, or merchandise, unless there is provision made for adequate space on the same premises and lot on which the said proposed building, structure, or part thereof is located, for standing, loading, and unloading services in order to avoid undue interference with public use of the streets or alleys. Such offstreet loading spaces shall conform with the definition thereof in Section 2 (22.)

At least one such space shall be provided for each building or structure erected for any of the purposes herein specified, for the first 20,000 square feet of gross floor area or fraction thereof; and at least two spaces for each such building or structure having more than 20,000 square feet but not more than 60,000 square feet of gross floor area; at least three spaces for each such building or structure having more than 60,000 square feet but not more than 100,000 square feet of gross floor area; at least four spaces for each building or structure having more than 100,000 square feet of gross floor area; provided, that any gross floor

area used for office purposes only shall not be counted in the gross floor area of such building or structure if such office space is in excess of the first 20,000 square feet of such building or structure where the total gross floor area exceeds 20,000 square feet.

Section 13. Front, Side and Rear Yards in U3 Districts.

Subsection (a.) Front Yard Restrictions.

In a U3 or Business District, between a front yard or building line as herein established and the front lot line, no building or structure or portion thereof may be erected, except an advertising display sign may be attached to the building only, and may project into the front yard a distance of not to exceed seven (7) feet.

Subsection (b.) Front Yards in Unimproved Blocks.

On any one side of a street in a single block between two intersecting streets, in which block and on which side no building or structure exists, and no building line is shown on a plat approved by the City Plan Commission and on record in the office of the County Recorder, the first building or structure to be erected shall be placed at a building line a distance from the front lot line equal to 10% of the depth of the lot, provided, that such distance need not be more than fifteen (15) feet.

Subsection (c.) Front Yards in Improved Blocks.

On any one side of a street in a single block between two intersecting streets, in which block and on which side one or more buildings or structures exist, exclusive of signs or signboards, and no building line is shown in a plat approved by the City Plan Commission and on record in the office of the County Recorder, building lines shall be established as follows:

1. In such cases where there are buildings set at the front lot line, and the total front width of such buildings equals 50% or more of the total length of the block between the property lines of two intersecting streets, any new building or structure including a detached sign in such block may be set at the front lot line.

2. In such cases where there are no buildings set at the front lot line, or where there are buildings set at such line and the total front width of all such buildings in the same block and on the same side of the street is less than 50% of the total length of such block, the building line shall be computed as the average of all buildings or structures in such block, exclusive of signs or signboards, but such building line need not be more than fifteen (15) feet from the front lot line. In computing such average building line, unenclosed front porches attached to any existing houses in such block shall be disregarded and the distance between the front lot line and the nearest front wall of each house shall be used in such computation.

Subsection (d.) Side and Rear Yards for Dwelling Units in U3 Districts.

In a U3 District, any structure arranged, designed or intended to be used as a dwelling house or apartment house shall be so located on the lot as to conform with the same side and rear yard regulations as are provided for U1 and U2 Districts in Sections 10 & 11 of this ordinance, provided, that dwelling or apartment units that are attached to or are a part of a business building need not conform with such regulations.

Subsection (e.) Side and Rear Yards for Business Structures in U3 Districts.

In a U3 District, no side or rear yard need be provided for a building or structure arranged, designed or intended to be used entirely or principally for any of the business uses enumerated in this Section, except that when such a building or structure is located on a lot directly abutting on the side line of a lot located in a U1 or U2 District, a minimum side yard of 4 feet shall be provided and maintained along such side line on the lot on which such building or structure is located, and such side yard shall be subject to the same restrictions as are provided in Section 10 for side yards in U1 and U2 Districts.

Section 14. Class U4 Uses—First Industrial District.

Subsection (a.) Permitted Uses.

In a Class U4 or First Industrial District, no building or structure or part thereof shall be erected, altered or used, or

premises used in whole or in part, which is arranged, intended or designed for other than the following uses:

1. Any use permitted in U3 Districts, provided, that the provisions of Section 12 (b) shall not apply in a U4 District, and that none of the uses permitted in a U1 or U2 District shall be permitted in a U4 District, and provided further that any use permitted under Section 12, Subsection (a), Subdivision 13 shall still be subject to the regulations and restrictions contained therein.
2. Engraving. Job Printing. Newspaper Printing. Greenhouse.
3. Storage yards or warehouses for such materials or goods as building materials, contractor's equipment, lumber, solid fuels, machinery, metals, oils and petroleum in quantities less than tank car lots and not exceeding twelve thousand (12,000) gallons, paint and paint materials, compressed or liquefied petroleum or other flammable gases, pipe, rubber and shop supplies, provided, that such storage yards shall be enclosed by a substantial protective fence not less than five (5) feet high.
4. Light manufacturing or industrial operation involving either partial or complete processing or production of such products or articles as bakery products, beverages, canned goods, carpentry work, cleaning agents, clothing, concrete blocks and ready-mixed concrete, chemical laboratory products, confections, cutlery and small tools, disinfectants, drugs and medicines, electrical supplies and batteries, food products, hardware, ice, ice cream and dairy products, leather goods, metal heat treating work, light metal stamping or pressing, linoleum and oil cloth, machine shop work, small mechanical devices, monuments, musical instruments, mill work and planed or sawed lumber, paint, enamel, lacquer or varnish, paper and cardboard products including boxes, plastics, plating work, radio and television sets, shoe polish, and tobacco products, provided, that such operation shall not be noxious or offensive by reason of the emission of odor, dust, smoke, gas or noise, or by reason of vibration resulting from operation of machinery.

5. Carpet and rug cleaning. Dry cleaning plant. Laundry plant.
6. Cold storage plant. Grain elevator or storage bin. Blacksmith, horseshoeing or wagon shop. Stable or wagon shed for business or industrial operations. Veterinary hospital. Wholesale produce salesroom or market.
7. Street car or trolley bus repair shop. Railroad, air line or motor truck freight station or terminal. Railroad yards.

Subsection (b.) Offstreet Parking Required.

Within the City of Indianapolis, with the exception of the area commonly known as the Mile Square, which is included within the boundary lines formed by the center lines of North Street, East Street, South Street and West Street, no buildings or structures shall be erected which are arranged, designed or intended to be used for any of the industrial uses enumerated in this Section, unless offstreet parking spaces are provided for the storage or parking of motor vehicles or automobiles in accordance with the definition of such spaces as set forth in Section 2 (23) of this ordinance, and in accordance with the provisions of Section 6, Subsections (b.) and (c.).

For all such buildings or structures there shall be provided at least one (1) such parking space for every five (5) persons that can be employed in such buildings or structures at any time when the same are in use at maximum capacity of employee occupancy.

Subsection (c.) Offstreet Loading Spaces Required.

No buildings or structures shall be erected which are arranged, designed or intended to be used for any of the industrial uses enumerated in this Section, unless there is provision made for adequate space on the same premises and lot on which said building or structure is located, for standing, loading and unloading services in order to avoid undue interference with public use of the streets or alleys. Such offstreet loading spaces shall conform with the definition thereof in Section 2 (22.).

At least one (1) offstreet loading space shall be provided for the first 20,000 square feet of floor area or fraction thereof con-



tained in such building or structure; and at least two (2) such spaces shall be provided for each such building or structure having more than 20,000 square feet but not more than 60,000 square feet of gross floor area; at least three (3) spaces for each such building or structure having more than 60,000 but not more than 100,000 square feet of gross floor area; and at least four (4) spaces for each such building or structure having more than 100,000 square feet of gross floor area.

In such cases where industrial uses involve extensive ground area of premises supplemental to or in lieu of floor space in buildings or structures for operations or storage, loading spaces shall be provided in accordance with the same progression of square foot area factors as are above specified for various gross floor areas of buildings or structures.

Subsection (d.) Front, Side and Rear Yards in U4 Districts.

In a U4 or First Industrial District no front yards, side yards or rear yards shall be required, provided, that such setbacks or spacing between buildings as may be required by the city building code shall be complied with.

Section 15. Class U5 Uses—Second Industrial District.

Subsection (a.) Permitted Uses.

In a Class U5 or Second Industrial District, no building or structure or part thereof shall be erected, altered or used, or premises used in whole or in part, which is arranged, intended or designed for other than the following permitted uses:

1. Any use permitted in U3 or U4 Districts, provided, that none of the uses permitted in a U1 or U2 District shall be permitted in a U5 District.
2. Heavy manufacturing plants, such as airplane factories, vehicle body plants, boiler works, drop forging plants, foundries, furniture factories, gun, firearms or weapons plant, heavy metal stamping or pressing plants, locomotive, or railway car plants, motor or engine works, railroad roundhouse or shop, reducing or refining of such metals as aluminum, copper, tin

or zinc, tire or rubber factories, steel furnace, blooming or rolling mill or power forge, structural iron and steel or pipe works, textiles or fabrics, wire mills.

3. Central station light, steam heating or power plant.
4. Paper or pulp manufacture. Plaster manufacture.
5. Ammonia, bleaching powder or other chemical plants generating corrosive or toxic fumes, provided such fumes do not carry beyond the limits of the premises, and provided that such uses are not included in Class U6, prohibited uses. Asphalt manufacturing, mixing or refining. Coal distillation, including manufacture or derivation of by products. Coke ovens, Creosote manufacture or treatment. Gas manufacture from coal or petroleum or the storage thereof, except storage of liquefied gases in cylinders for individual distribution. Carbon or lamp black manufacture. Petroleum storage, in quantities greater than tank car lots. Tar distillation. Soap manufacture. Provided that buildings or tanks used for bulk storage of inflammable liquids or gases, or of materials, liquids or gases that give off corrosive or toxic fumes, shall not be located nearer than five hundred (500) feet in a straight line from any other buildings or structures included in Subdivision 2 and 4, Section 5 (b.), and shall otherwise conform with the officially published standards of the National Board of Fire Underwriters as at the date of erection of such buildings or tanks.

Subsection (b.) U5 Uses Subject to Specified Requirements.

The following enumerated uses shall be permitted in whole or in part solely in a U5 or Second Industrial District and on a lot determined by the Board of Zoning Appeals, after public notice and hearing, to be so located that such use will, in the judgment of said Board, substantially serve the public convenience and welfare, and will not substantially or permanently injure the appropriate use of neighboring property:

1. Storage or baling in the open or within buildings of scrap iron, junk, scrap paper, rags, discarded bottles, used lumber and other salvageable used materials or articles.

2. Open air wrecking of motor-driven or trailer vehicles and open air storage and sale of second hand automobile parts or tires.
3. Open air storage of motor driven vehicles or trailers that have been wrecked or dismantled in whole or in part or are not in good, serviceable condition.

Subsection (c.) Offstreet Parking Required.

The provisions of Section 14 (b) shall apply also to all buildings or structures to be erected which are arranged, designed or intended to be used for any of the industrial uses enumerated in this Section, with respect to providing offstreet parking spaces.

Subsection (d.) Offstreet Loading Space.

The provisions of Section 14 (c) shall apply also to all buildings or structures to be erected which are arranged, designed or intended to be used for any of the industrial uses enumerated in this Section, with respect to providing offstreet loading space.

Subsection (e.) Front, Side and Rear Yards in U5 Districts.

In a U5 or Second Industrial District no front yards, side yards or rear yards shall be required, provided, that such setbacks or spacing between buildings as may be required by the city building code shall be complied with.

Section 16. Class U6 Uses—Prohibited Uses.

Subsection (a.) Prohibited Uses—Continuance.

Within the corporation limits of the City of Indianapolis, no building or structure or part thereof shall be erected, altered or used, or premises used in whole or in part, which is arranged, intended or designed for any of the following prohibited uses:

1. Petroleum refining, including reclamation of used oils or lubricants.
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 ore.
4. Explosives, manufacture or storage.
5. Stock yards. Slaughter house. Abattoir. Fat rendering.
6. Distillation of bones. Glue manufacture. Fertilizer manufacture. Hair manufacture. Offal or dead animals reduction or dumping. Raw hids or skins storage, curing or tanning.
7. Housing, breeding or raising mink or other fur-bearing animals for production of fur pelts or skins.

Provided that any of the uses enumerated in the foregoing seven subdivisions, if established on defined premises within the corporation limits prior to December 20, 1922, or defined premises included in an area annexed to the city subsequent to that date and existing at the time of such annexation, shall be permitted to continue as non-conforming uses.

Section 17. Class U7 Uses—Special Permit.

Subsection (a.) Special Permit Required—Types of Use.

No building or structure or part thereof shall be erected, altered or used, or premises used in whole or in part, which is arranged, designed or intended for any of the following uses, which by reason of their nature or the extensive area usually required for such uses are deemed impractical to include in Classes U1, U2, U3, U4, or U5 in designated districts on the district zoning maps, unless a special permit therefor is granted by the Board of Zoning Appeals after due public notice and hearing, with such conditions or restrictions as may be deemed necessary to adequately safeguard the appropriate use of neighboring property:

1. Airport or airplane landing field.
2. Cemetery.
3. Sewage disposal or treatment plant. Refuse dump. Garbage disposal plant. Incinerator plant. Gravel pit.

## Subsection (b.) Portable Living Quarters.

1. Within the City of Indianapolis, no portable living quarters such as an automobile trailer, trailer coach, house trailer, house car, camp car, tent or houseboat, designed, constructed, fabricated or intended to be used as a readily transportable unit, shall be occupied in whole or in part for living quarters or other purposes on any lot, plot, parcel or tract of land, or on any stream or other water area in case of a houseboat, unless a special permit therefor is granted by the Board of Zoning Appeals after due public notice and hearing, with such conditions or restrictions as may be deemed necessary to adequately safeguard the appropriate use of neighboring property.
2. Such special permits shall be limited to only one such occupied portable living unit on any one lot, plot or tract of land, and shall also be limited to a period of ninety (90) days.
3. The Board of Zoning Appeals, upon written request, may at its discretion extend such permits, only for the original occupants, for successive ninety-day periods, provided, that not more than one year of continuing occupancy shall be allowed by such permit and any extensions thereof, and no new permit for such occupation on the same premises shall be granted in less than one year from the last day of such maximum one year period.
4. For the purpose of this Subsection, any lot, plot, or tract of land on which are located two or more automobile trailers, trailer coaches, house trailers, house cars or camp cars shall be deemed to be a "Trailer Camp" or "Trailer Park", and shall be subject to all provisions of General Ordinance No. 26, 1943 (as amended).
5. Parking or storage of one unoccupied automobile trailer, trailer coach, house trailer, house car or camp car in a private garage or in a rear yard only shall be permitted.

## Section 18. Area Districts.

Subsection (a.) Class AA District.

In a class AA District no building shall be erected, altered or used to accommodate or make provision for more than one family for each 15,000 square feet of the area of the lot; provided that one single family dwelling may be erected on any lot that was separately owned as of December 20, 1922, or on any numbered lot in a recorded plat or replat that is on record in the office of the County Recorder.

Subsection (b.) Class A1 District.

In a Class A1 District no building shall be erected, altered or used to accommodate or make provision for more than one family for each 7,500 square feet of the area of the lot. Provided that one single family dwelling may be erected on any lot that was separately owned as of December 20, 1922, or on any numbered lot in a recorded plat or replat that is on record in the office of the County Recorder.

Subsection (c.) Class A2 District.

In a Class A2 District no building shall be erected, altered or used 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 that was separately owned as of December 20, 1922, or on any numbered lot in a recorded plat or replat that is on record in the office of the County Recorder.

Subsection (d.) Class A3 District.

In a Class A3 District no building shall be erected, altered or used 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 if a corner lot. Provided that one dwelling for two families may be erected or used on any lot that was separately owned as of December 20, 1922, or on any numbered lot in a recorded plat or replat that is on record in the office of the County Recorder.

Subsection (e.) Class A4 District.

In a Class A4 District no building shall be erected, altered or used 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.

Subsection (f.) Class A5 District.

In a Class A5 District no building shall be erected, altered or used 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.

Subsection (g.) Class A6 District.

In a Class A6 District no building shall be erected, altered or used to accommodate or make provision for more than one family for each 300 square feet of the area of the lot.

Subsection (h.) Computation of Lot Areas.

In computing such area of the lot for the purpose of this section any part of the area of any corner lot in excess of 15,000 square feet shall be considered an interior lot. In a Class AA, 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.

In computing the area of the lot for the purpose of this section the lot shall be deemed to extend to the center line of any alley adjoining the rear line of such lot, but such center line shall not be deemed to be a lot line.

Subsection (i.) Restrictions on Reduction of Lot Areas.

The lot or yard area required by this ordinance for a particular building shall not be diminished and shall not be included as part of the required lot or yard area of any other building; and the lot or yard areas of buildings existing as of December 20, 1922, or as of the effective date of any amendment to General Ordinance No. 114, 1922, (as amended) relating to lot or yard areas, shall

not be diminished below the requirements herein provided for buildings thereafter erected, and such required areas shall not be included as a part of the required areas for any building thereafter erected.

Section 19. Height Districts.

Subsection (a.) Class H1 District.

In a Class H1 District no building shall be erected to a height in excess of 50 feet, providing 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 setback shall be from all required front, side and rear yard lines instead of from street and lot lines.

Subsection (b.) Class H2 District.

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 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 setback shall be from all required front, side and rear yard lines instead of from street and lot lines.

Subsection (c.) Class H3 District.

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 setback 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 an 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.

Subsection (d.) Class H4 District.

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 line 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.

Subsection (e.) Type of Structures Exempted from Height Restrictions.

The provisions of this section shall not apply to restrict the height of a church spire, flagpole, belfry, clock tower, wireless tower, beacon tower, chimney, water tank, elevator bulkhead or stage tower or scenery loft.

Section 20. Non-conforming Uses.

Subsection (a.) Definition—Continuance.

Any building, structure or land use in conformity to or permitted by virtue of General Ordinance No. 114, 1922, as amended, and in existence at the time this ordinance becomes effective but which building, structure or land use is not in conformity to the provisions of this ordinance, shall be deemed to be a non-conforming use and may continue in the absence of a voluntary abandonment thereof, subject, however, to the provisions of Subsection (b.) hereof.

Subsection (b.) Regulations Governing Non-conforming Uses.

The following regulations shall govern lawful non-conforming uses:

1. UNSAFE STRUCTURE. Any building or structure or portion thereof declared unsafe by the Commissioner of Buildings may be restored to a safe condition.
2. ALTERATIONS. A non-conforming building or structure may not be reconstructed or structurally altered to an extent exceeding in aggregate cost fifty (50) percent of the assessed value thereof unless said building or structure is changed to a conforming use.
3. EXTENSION. A non-conforming use shall not be extended, except that the extension of a lawful non-conforming use to any portion of a non-conforming building which existed prior to December 20, 1922, or prior to the effective date of any amendment to General Ordinance No. 114, 1922 (as amended) by reason of which such building became non-conforming, shall not be deemed to be an extension of such non-conforming use.
4. CONSTRUCTION APPROVED PRIOR TO ORDINANCE OR AMENDMENT. Nothing herein contained shall require any change in plans, construction or designated use of a building or structure for which a lawful building permit was issued prior to the effective date of this ordinance and the construction of which shall have been completed within two years of the effective date of this ordinance and in accordance with such plans as filed with the Commissioner of Buildings. Provided, that same are in conformity to General Ordinance 114, 1922 as amended. If such construction or designated use is not in conformity to the provisions of this ordinance then the same shall be deemed to be a non-conforming use.
5. DAMAGED NON-CONFORMING BUILDINGS. When a building or structure devoted legally to a non-conforming use is entirely destroyed or is damaged to the extent of more than 50 percent of its appraised replacement cost by fire, explosion, act of God or act of the public enemy, such building or structure shall not be permitted to be repaired, restored or rebuilt unless it shall be devoted to a conforming use.

If such building or structure be so damaged to the extent, of less than 50 percent of its appraised replacement cost, it may be repaired, restored or rebuilt to its original form,

size and arrangement and the original non-conforming use may be continued thereafter, provided, that such repair, restoration or rebuilding shall be completed within two years after the date such damage occurred.

6. CHANGES. Once changed to a conforming use no building or structure or premises shall be permitted to revert to a non-conforming use. A non-conforming use may be changed to a use of the same or higher classification, and when so changed, such use shall not be changed to a lower classification; provided, that in a U5 or Second Industrial District, no building or structure or premises shall be changed to a U1 or U2 use.

Subsection (c.) Changes—Interpretation.

For the purpose of this ordinance a use shall be deemed to be changed if changed from a use class or subdivision thereof to a use not included in such class or sub-division; and a non-conforming use shall be deemed to be changed to a higher use if the new use is included in a different class or in a different subdivision that precedes, in the classifications of this ordinance, the class or subdivision in which such non-conforming use is included, prior to such change.

Subsection (d.) Restricted Changes.

In such classes where a use is included either in Section 5 (b), Section 7 (b), Section 12 (b), Section 15 (b) or Section 17 (a), no use lawfully permitted under the provisions thereof shall be changed to another use included therein unless permitted by the Board of Zoning Appeals after public notice and hearing, subject to appropriate conditions and safeguards.

Section 21. Interpretation.

Subsection (a.) Interpretation Policy.

In interpreting 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.

## Subsection (b.) Limitation of Authority of Zoning Ordinance.

This ordinance shall not repeal, abrogate nor 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 provision 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 22. Enforcement; Board of Zoning Appeals.

This ordinance shall be enforced by the Commissioner of Buildings 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 purpose 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. Authority of the Board of Zoning Appeals. Public Notice.

## Subsection (a.) Authority of the Board of Zoning Appeals.

In addition to the grant of power contained in Section 22 the Board of Zoning Appeals may in a specific case, 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, determine and vary the application of the provisions of this ordinance herein established, in harmony with their general purpose and intent, and provided that any variance or permission granted will, in the judgment of said Board, substantially serve the public convenience and will not substantially and permanently injure the appropriate use of the neighborhood property, as follows:

1. Permit the extension of a building or use into a more restricted district immediately adjacent thereto but not more than fifty (50) feet beyond the boundary line of the district in which such building or use is authorized.
2. Permit the extension of a non-conforming use or building upon the lot occupied by such use or building at the time it came into non-conforming status by reason of the provisions of this ordinance.
3. The Board of Zoning Appeals may 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 or existing in neighboring property, as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.
4. Grant in undeveloped sections of the city temporary and conditional permits for not more than two-year periods for buildings, structures or uses that do not conform to the regulations herein prescribed for the district in which they are to be located.
5. Permit the location in any use district of a telephone exchange, electric substation or similar public utility, or any use of a building for public convenience, safety or welfare, or of a class U7 use.
6. Permit the erection of a two-story accessory building covering not to exceed forty (40) percent of the rear yard area.

7. In U1 or U3 Districts, in cases where a one-story, unenclosed front porch extends beyond a building line established by the provisions of this ordinance, exclusive of a building line established in a lawfully recorded plat, the Board of Zoning Appeals may on application permit the enclosure of such porch, if such enclosure serves to protect the health and welfare of the occupants of the building and does not impair the value and the appropriate use of closely neighboring property, and said Board may also permit a two-story unenclosed porch or the enclosure of such a porch under the same considerations, provided, that the installation only of open screens of fine woven wire, plastic or similar durable material shall not be deemed to be enclosure for the purpose of this section.
8. In such cases in U1 or U2 Districts where the building line established by the provisions of this ordinance appears to create unnecessary hardship or practical difficulties in the way of conforming with such building line, the Board of Zoning Appeals may permit the erection of a building nearer to the front lot line, provided that such location will not be nearer to the front lot line than any building line established by recorded plat, deed or covenant on the lot on which such building is located, will not be adverse to the public interest and will not substantially injure the appropriate use of neighboring property.
9. The Board of Zoning Appeals may permit the extension of any use enumerated in Subdivision (5) only of Class U6 Uses, if located in a U5 or Second Industrial District and established as such a non-conforming use.
10. Permit in U1 or U2 Districts any of the uses enumerated in Section 5, Subsection (b).
11. Permit in U3 Districts any of the uses enumerated in Section 12, Subsection (b).
12. Permit in U5 Districts any of the uses enumerated in Section 15, Subsection (b).
13. The Board of Zoning Appeals may permit the erection of a building or portion of a building covering not more than 25

percent of the area of the lot to a height in excess of the limits prescribed in the preceding section.

14. The Board of Zoning Appeals may 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.
15. The Board of Zoning Appeals may 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.
16. The Board of Zoning Appeals may 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.

Subsection (b.) Public Notice.

For the purposes of this ordinance, public notice of a hearing by the Board of Zoning Appeals shall be taken to mean one insertion of a notice of the time and place of a hearing or proceeding printed in a newspaper of general circulation in the City of Indianapolis at least seven (7) days prior to the time fixed for said hearing.

Subsection (c.) Additional Notices to Interested Parties.

In addition to the public notice above defined, due notice of a hearing by the Board of Zoning Appeals shall be given additionally to interested parties in accordance with regulations adopted by said Board.

Subsection (d.) Fee for Filing Appeal.

Any person, firm or corporation filing an appeal from any ruling of the Commissioner of Buildings or any application for a variance as herein provided for, shall first pay to the City

Controller a filing fee of Three Dollars and Fifty Cents (\$3.50) for the purpose of paying the cost of giving notice and any other expense incident to the hearing on said appeal or application.

Section 24. Amendments.

The Common Council may from time to time on petition, after public notice and hearing, amend, supplement or change the districts and regulations herein established.

Duly signed petitions requesting such amendments, supplements or changes may be presented to the clerk of the Common Council for action as provided by law.

Section 25. Remedy for Violation.

Any building erected, raised, remodeled or converted, or land or premises used in violation of any provision of this ordinance, or of 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. All the provisions of this ordinance or orders of the Board of Zoning Appeals, may be enforced by injunction or other proceedings according to law.

Section 26. 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, 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 causes shall not affect nor render invalid any other such section, subsection, district, front yard line, part, provision or regulation thereof.

Section 27. Repeal of Certain Sections of General Ordinance No. 114, 1922, as Amended.

Sections 1 to 21 inclusive and Sections 23 to 31 inclusive of General Ordinance No. 114, 1922, as amended, are hereby repealed, except the district or zone map adopted by virtue of said ordinance



and as amended, which is expressly re-ordained and re-enacted by the provisions of Section 3, Subsection (a) hereof; provided, further, however, that the repeal of the aforesaid sections shall not abrogate or impair any right of appeal or any cause of action existing at the time of the effective date of this ordinance arising out of any provision or violation of any of the aforesaid sections.

Section 28. Effective Date.

This ordinance shall be in full force and effect on and after its passage, approval by the Mayor, and publication according to law.

Which was read for the first time and referred to the Committee on Public Health.

#### ORDINANCES ON SECOND READING

Mr. Wallace called for Resolution No. 17, 1950 for second reading. It was read a second time.

On motion of Mr. Wallace, seconded by Mr. Seidensticker, Resolution No. 17, 1950 was ordered engrossed, read a third time and placed upon its passage.

Resolution No. 17, 1950 was read a third time by the Clerk and passed by the following roll call vote:

Ayes 6, viz: Mr. Lupear, Mr. Ross, Mr. Seidensticker, Mr. Wallace, Mr. Wicker, President Emhardt.

Noes 3, viz: Mr. Bright, Mr. Ehlers, Mr. Jameson.

Mr. Seidensticker called for Resolution No. 15, 1950 for second reading. It was read a second time.

On motion of Mr. Seidensticker, seconded by Mr. Lupear, Resolution No. 15, 1950 was ordered engrossed, read a third time and placed upon its passage.

Mr. Jameson made a motion that Mr. Seidensticker's motion be laid upon the table until the next regular Council meeting. The motion was seconded by Mr. Ehlers.

Mr. Jameson's motion passed by the following roll call vote:

Ayes 6, viz: Mr. Bright, Mr. Ehlers, Mr. Jameson, Mr. Wallace, Mr. Wicker, President Emhardt.

Noes 3, viz: Mr. Lupear, Mr. Ross, Mr. Seidensticker.

President Emhardt announced that Mr. Seidensticker's motion was laid upon the table until the next regular meeting.

Mr. Bright called for General Ordinance No. 97, 1950 for second reading. It was read a second time.

On motion of Mr. Bright, seconded by Mr. Lupear, General Ordinance No. 97, 1950 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 97, 1950 was read a third time by the Clerk and passed by the following roll call vote:

Ayes 7, viz: Mr. Bright, Mr. Jameson, Mr. Lupear, Mr. Seidensticker, Mr. Wallace, Mr. Wicker, President Emhardt.

Noes 2, viz: Mr. Ehlers, Mr. Ross.

On motion of Mr. Seidensticker, seconded by Mr. Ehlers, the Common Council adjourned at 8:45 P. M.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the Common Council of the City of Indianapolis, held on the 4th day of December, 1950, at 7:30 P. M.

In Witness Whereof, we have hereunto subscribed our signatures and caused the seal of the City of Indianapolis to be affixed.

A handwritten signature in cursive script, reading "Christian J. Lohardt".

President.

ATTEST:

A handwritten signature in cursive script, reading "Richard G. Stewart".

City Clerk.

(SEAL)

