GENERAL ORDINANCE NO. 1, 1946

ZONING ORDINANCE
FOR THE
TOWN OF MERIDIAN HILLS, INDIANA

AN ORDINANCE dividing the *Town of Meridian Hills* into districts for the purpose of regulating and restricting the location of trades, callings, industries, commercial enterprises and the location of buildings, designed for special uses; of classifying, regulating and determining the area of front, rear and side yards and other open spaces about buildings; of regulating and determining the use and intensity of use of land and lot areas within such *Town*; of regulating and determining buildings and improvements in such a manner as to best promote the public welfare; providing a *Board of Zoning Appeals*; defining certain terms used in said ordinance; providing a penalty for its violation and designating the time when the same shall take effect.

WHEREAS, *The Board of Trustees* of the *Town of Meridian Hills, Indiana*, deem it necessary, in order to conserve the value of property in said *Town* and to the end that adequate light, air, convenience of access and safety from fire and other dangers may be secured, that congestion of the public streets may be lessened or avoided, and that public health, safety, comfort, convenience, morals and general welfare may otherwise be promoted in accordance with a well considered plan for the use and development of all property throughout the *Town*, Now, Therefore,

Sec. 1. Districts and Zone Map. Be It Ordained by the *Board of Trustees* of the *Town of Meridian Hills, Indiana*; for the purpose of classifying, regulating and limiting the height, area and use of buildings hereafter to be erected 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 *Town of Meridian Hills, Indiana*, is hereby divided into one class of use district termed Class U-1 or Residence District; into three classes of area districts termed respectively Class R-1, Class R-2 and

Class R-3; and into one class of height district termed Class H-1, all as shown on the *District or Zone Map* which accompanies this *Ordinance* and is hereby declared to be a part hereof.. The use, area and height districts are designated on said *Zone Map* and are hereby established.

Sec. 2. Classification of Uses. For the purpose of this *Ordinance* the various uses of buildings and premises are divided into groups, classes and subdivisions as set forth in the following classification of uses.

GROUP 1 - RESIDENCE CLASSES

Class U-1 uses: (Residence)

1. Dwelling.
2. Church, school, library, community center, private club (excepting a club the chief activity of which is a service customarily carried on as a business).
3. Public park, public playground, water supply reservoir, well or tower.
4. Green house, nursery, truck gardening.

GROUP 2 - PROHIBITED CLASSES

Class U-2 uses: (Prohibited)

1. Commercial uses.
2. Manufacturing or industrial operation of any kind.
3. Aviation field. Amusement park.
4. Penal or correctional institution. Sanitarium or asylum for the insane or feeble minded.

GROUP 3 - SPECIAL CLASSES

Class U-3 uses: (Special)

1. Sewage disposal or treatment plant.
2. Garbage disposal plant. Refuse dump.

Sec. 3. Residence District. (a) In a Class U-1 or residence district no building or premises shall be used, and no building shall be erected which is arranged, intended or designed to be used for other than a Class U-1 use.

(b) In a residence district no building shall be erected which is arranged, intended or designed for a use enumerated in subdivision "2", "3" or "4" of Class U-1 uses, unless such building is located on a lot determined by the *Board of Zoning Appeals* after public notice and hearing to be so located that such building 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.

Sec. 4. Accessory Uses in Residence Districts. An accessory use customarily incident to Class U-1 use shall be permitted in a Class U-1 district. A private garage permitted as an accessory use shall not provide storage for more than one motor vehicle for each 4,500 square feet of the lot area. A billboard, signboard or advertising sign shall in no case be permitted as an accessory use except that the placing of a *"for sale"* or *"for rent"* sign, not exceeding 12 square feet in size, shall, however, be permitted as an accessory use. A store, trade or business shall not be permitted as an accessory use except that the office of a physician, dentist or surgeon may be located in the residence used by such physician, dentist, or surgeon, as his private residence.

Sec. 5. Prohibited and Special Permit Uses. A Class U-2 use may not be located within the present limits of the *Town of Meridian Hills*. A Class U-3 use may be located only on special permits as provided in Section 15. A use existing in any use district at the time of the passage of this *Ordinance* shall be deemed an authorized use upon the plot devoted to such use at the time of the passage of this *Ordinance*.

Sec. 6. Height District. All premises within the present limits of the *Town of Meridian Hills* shall be deemed to be in the Class H-1 height district. In the Class H-1 height district no buildings shall be erected to a height greater than 25 feet, measured from the grade to the line of the eaves of such building.

Sec. 7. Area Districts. (a) In a Class R-1 district no building shall be erected or altered to accommodate or

make provision for more than one family for each 30,000 square feet of the area of the lot. Provided that one single family residence may be erected on any lot separately owned at the time of the passage of this ordinance or on any numbered lot separately owned in a recorded subdivision that was on record in the office of the *County Recorder* at the time of the passage of this *Ordinance*. And, Provided further, that in a Class R-1 district, no residence building hereafter erected or altered, shall have a ground floor area, exclusive of open, one-story porches and garages, of less than 1700 square feet in the case of a one-story building, nor less than 1200 square feet in the case of a one and one-half or two-story building.

(b) In a Class R-2 district no building shall be erected or altered to accommodate or make provision for more than one family for each 24,000 square feet of the area of the lot. Provided that one single family residence may be erected on any lot separately owned at the time of the passage of this ordinance or on any numbered lot separately owned in a recorded subdivision that was on record in the office of the *County Recorder* at the time of the passage of this *Ordinance*. And, Provided further, that in a Class R-2 district, no residence building hereafter erected or altered, shall have a ground floor area, exclusive of open, one-story porches and garages, of less than 1400 square feet in the case of a one-story building, nor less than 1000 square feet in the case of a one- and one-half or two-story building.

(c) In a Class R-3 district no building shall be erected or altered 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 separately owned at the time of the passage of this ordinance or on any numbered lot separately owned in a recorded subdivision that was on record in the office of the *County Recorder* at the time of the passage of this *Ordinance*. And, Provided further, that in a Class R-3 district, no residence building hereafter erected or altered, shall have a ground floor area, exclusive of open, one-story porches and garages, of less than 1200 square feet in the case of a one-story building, nor less than 800 square feet in the case of a one and one-half or two-story building.

(d) In a Class R-1, R-2 or R-3 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.

(e) In a Class R-1, R-2 or R-3 district for each one foot that the width of the lot exceeds one-third of the depth of the lot, one per cent shall be deducted from the lot area required by this section, but not exceeding a maximum of ten per cent shall be so deducted.

Sec. 8. Zone Map Designations. When definite distances in feet are not shown on the zone map, the district boundaries on the zone map are intended to be along existing street or property line 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 zone map. Where the streets on the ground differ from the streets as shown on the zone map, the *Board of Zoning Appeals* may apply the district designations on the map to the streets on the ground in such manner as to conform to the intent and purpose of this ordinance. Land or premises within a street or other undesignated area on the zone map shall be governed by the regulations of the use, height and area district adjoining such land or premises and if adjoined by more than one class of use, height or area district each portion of such land or premises shall be governed by the regulations of the use, height and area district nearest to such portion of land or premises.

Sec. 9. Side Yards in Residence District. In a residence district, for every building erected, there shall be a side yard along each lot line other than a street line or a rear line. Each dwelling shall be deemed a separate building and shall have side yards as above prescribed. At least 30 per cent of the width of each lot shall be devoted to side yards, provided not more than 30 feet need be so devoted. The least dimension of a side yard shall not be less than 15 feet in a Class R-1 district; not less than 12 feet in a Class R-2 district; and not less than 10 feet in a Class R-3 district.

Sec. 10. Rear Yards in Residence Districts. In a residence district every building erected shall have a rear yard. In a residence district the least dimension of the rear yard shall be at least 15 per cent of the depth of the lot, but such least dimension need not be more than 30 feet.

Forty per cent of the area of the rear yard may be occupied by a one-story accessory building not more than 15 feet in height. 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 50 feet to any street line, nor nearer than 15 feet to the side line of such adjacent lot.

Sec. 11. Side and Rear Yard Exceptions. (a) The area requirement in a side or rear yard shall be open from the established grade, or from the natural grade if higher than the established grade, to the sky, unobstructed except for the ordinary projections of window sills, belt courses, cornices and other ornamental features to the extent of not more than 4 inches, and provided that the cornice or eaves may project not more than 3 feet into such yard.

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

Sec. 12. Front Yards in Residence Districts. (a) Between a front yard line as herein established and the street line no building or portion of a building other than a fence may be erected.

(b) In a residence district front yard lines are hereby established as follows:

1. On a street frontage on either side of a street where 50 per cent of such frontage between two intersecting streets, exclusive of that part thereof which is improved with buildings at the street line and exclusive also of the side line of a corner lot, is improved with residence buildings which are set back from the street line, the front yard line shall be the distance back from the street line equal to the average distance of existing residence buildings back from the street line.

2. On a street frontage on either side of a street between two intersecting streets, in a district zoned as a class R-1 district where the front yard line is not established by the provisions of subdivision (b) 1 of this section, the distance of the front yard line back from the street line shall be 40 per cent of the average depth of the lots constituting such street frontage, but such distance

back from the street line need not be more than 100 feet.

3. On a street frontage on either side of a street between two intersecting streets, in a district zoned as a Class R-2 district where the front yard line is not established by the provisions of subdivision (b)1 of this section, the distance of the front yard line back from the street line shall be 40 per cent of the average depth of the lots constituting such street frontage, but such distance back from the street line need not be more than 75 feet.

4. On a street frontage on either side of a street between two intersecting streets, in a district zoned as a Class R-3 district where the front yard line is not established by the provisions of subdivision (b)1 of this section, the distance of the front yard line back from the street line shall be 40 per cent of the average depth of the lots constituting such street frontage, but such distance back from the street line need not be more than 60 feet.

5. The words *"existing building"* as used in this section shall be taken to mean any building for which a building license has been lawfully issued and on which work has been begun and completed up to the first floor line.

6. The unit for determining the percentage of frontage between two intersecting streets for the purpose of determining the front yard line regulations herein established shall be the lot in a subdivision or addition comprising such frontage or a part thereof, the plat for which has been regularly filed for record in the office of the *Recorder of Marion County, Indiana*; or if no such plat has been so filed for record then such unit for frontage shall, for the purpose hereof, be considered to be a parcel of ground 100 feet in width in the Class R-1 district and 75 feet in width in all other districts, whether all of said frontage is owned by one or more persons. Only such lots or parcels as are actually occupied by residence buildings shall be considered as improved frontage in determining the front yard line for any block or part thereof.

Sec. 13. Front Yards Exceptions. Whenever any parcel of land now separately owned and which was so owned prior to the passage of this ordinance is of such restricted area that it cannot be appropriately improved without building beyond the front yard line established by the above sections, the

Board of Zoning Appeals may on application in a specific case authorize the construction of a building beyond said front yard line to an extent necessary to secure an appropriate improvement of such parcel of land. Whenever a plat of a land subdivision approved by the *Town Board of Trustees* is on record in the office of the *County Recorder* which shows building lines along any frontage for the purpose of creating front yard area the building line thus shown shall along such frontage apply in place of any front yard lines herein established.

Sec. 14. Enforcement. Board of Zoning Appeals. This ordinance shall be enforced by the *Superintendent of Public Works* under the rules and regulations of the *Board of Zoning Appeals*. The *President* of the *Town Board of Trustees* is hereby authorized to appoint a *Board of Zoning Appeals* consisting of five members, two of whom shall be members of the *Town Board of Trustees*. 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 *Superintendent of Public Works* made in the enforcement of this ordinance may be appealed to the *Board of Zoning Appeals* by the 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, after hearing all interested parties, 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.

Sec. 15. District Exceptions. The *Board of Zoning Appeals* may in a specific case, after public notice and hearing and subject to appropriate conditions and safeguards, determine and vary the application of the district regulations herein established in harmony with their general purpose and intent as follows:

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

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

3. Permit in a district any use or building deemed by the *Board* to be in general keeping with an appropriate to the uses or buildings authorized in such district or existing on neighboring property.

4. Grant in undeveloped sections of the town temporary and conditional permits for not more than two year periods for structure and uses that do not conform to the regulations herein prescribed for the district in which they are to be located.

5. Permit the location in any district of a telephone exchange, electric substation or similar public utility, or any use of building for public convenience, safety or welfare, or of a Class U-3 use, provided such use in such location will, in the judgment of the *Board of Zoning Appeals*, substantially serve the public convenience and welfare and will not substantially and permanently injure the appropriate use of the neighboring property.

6. Permit the erection of a two-story accessory building covering not to exceed 40 per cent of the required yard area; or

7. Where a tract of ground consisting of one or more lots within one block, whether separately owned or not, is adjoined on one or more sides by a building or buildings which do not conform to the use or area district regulations of the district in which such lot is located, permit a modification of such use or area district regulations to the extent deemed necessary to admit of any appropriate improvement of such lot, due regard being given to the avoidance of serious injury to neighboring property.

Sec. 16. Approval of Development Plat. The owner or owners of any tract of land not less than 15 acres in area may submit to the *Board of Zoning Appeals* a plan for the use and development of such tract of land primarily for residential purposes and if such development plan is approved after public notice and hearing by the *Board of Zoning Appeals* and by the *Town Trustees*, the application of the use, height, area and yard regulations established herein shall be modified as required by such development plan, providing that for the tract as a whole, excluding street area but including area to be devoted to parks, parkways or other permanent open spaces, there will not be less than the required area per

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

Sec. 17. Interpretation. Purpose. In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. The lot or yard areas required by this ordinance for a particular building shall not be diminished and shall not be included as part of the required lot or yard areas of any other building. The lot or yard areas of buildings existing at the time of the passage of this ordinance shall not be diminished below the requirements herein provided for buildings hereafter erected and such required areas shall not be included as a part of the required areas for any building hereafter erected. This ordinance shall not repeal, abrogate, annul or in any way impair or interfere with any existing provisions of law or ordinances 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.

Sec. 18. Amendments. The *Board of Trustees* may from time to time on their own motion or on petition, after public notice and hearing, amend the regulations and districts herein established. If any area is hereafter transferred to another district by a change in the district boundaries by amendment as provided in this section, the provision of this ordinance with regard to buildings or premises existing or buildings for which permits have been issued at the time of the passage of this ordinance shall apply to buildings or premises existing or buildings for which permits have been issued in such transferred area at the time of

the passage of such amendment.

Sec. 19. Penalty for Violation. Any person or corporation who shall violate any of the provisions of this ordinance or fail to comply therewith, or with any of the requirements thereof, or who shall build or alter any building in violation of any detailed statement or plan submitted and approved thereunder, shall for each and every violation or noncompliance be guilty of an offense, and upon conviction thereof shall be fined not more than *One Hundred Dollars* and each day such violation shall be permitted to exist constitutes a separate offense. The owner or owners of any building, or any premises or part thereof, where anything in violation of this ordinance shall exist and any architect, builder, contractor, agent, person or corporation employed in connection therewith and who may have assisted in the commission of any such violation with knowledge thereof, shall each be guilty of a separate offense and upon conviction thereof shall be fined as herein provided. 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.

Sec. 20. Definitions. Certain words in this ordinance are defined for the purpose hereof as follows: (a) Words used in the present tense include the future; the singular number includes the plural and the plural the singular; the word *"lot"* includes the word *"plot"*; the word *"building"* includes the word *"structure"*.

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

(c) The *"established grade"* is the elevation of the street crown as fixed by the *Town*.

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

(e) The *"height of a building"* is the vertical dis-

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

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

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

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

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

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

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

(l) A *"residence"* is a building arranged, intended or designed to be occupied by not more than one family living and doing their own cooking upon the premises.

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

(n) *"Public notice"* of a hearing under Section 18 of this ordinance means one insertion in two newspapers of general circulation in the *Town of Meridian Hills* at least seven days previous to the time fixed for such hearing of a notice setting out in substance the proposed amendments or changes to be made and stating that objections thereto will be heard and that information concerning such proposed amendments or changes is on file in the office of the *Town Clerk* or *Town President* for public examination. In all sections of said ordinance other than Section 18 public notice 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 *Town of Meridian Hills* at least seven days prior to the time fixed for said hearing. Provided that printed copies of said proposed amendments circulated in said *Town* two weeks before final hearing upon the same shall be the equivalent of said newspaper publication and in all cases posted notices in three public places in said town one week before the first public hearing shall be necessary.

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

Sec. 21. Invalidity of a Part. The Sections, subsections, districts and front yard lines forming a part of or established by this ordinance and the several parts, provisions and regulations thereof, are hereby declared to be independent sections, subsections, districts, front yard lines, parts, provisions and regulations, and the holding of any such section, subsection, districts, front yard lines, parts, provisions and regulations, thereof to be unconstitutional, void or ineffective for any causes shall not affect nor render invalid any other such sections, subsection, district, front yard line, part, provisions or regulation thereof.

Sec. 22. When Effective. This ordinance shall be in full force and effect on and after April 1, 1946.

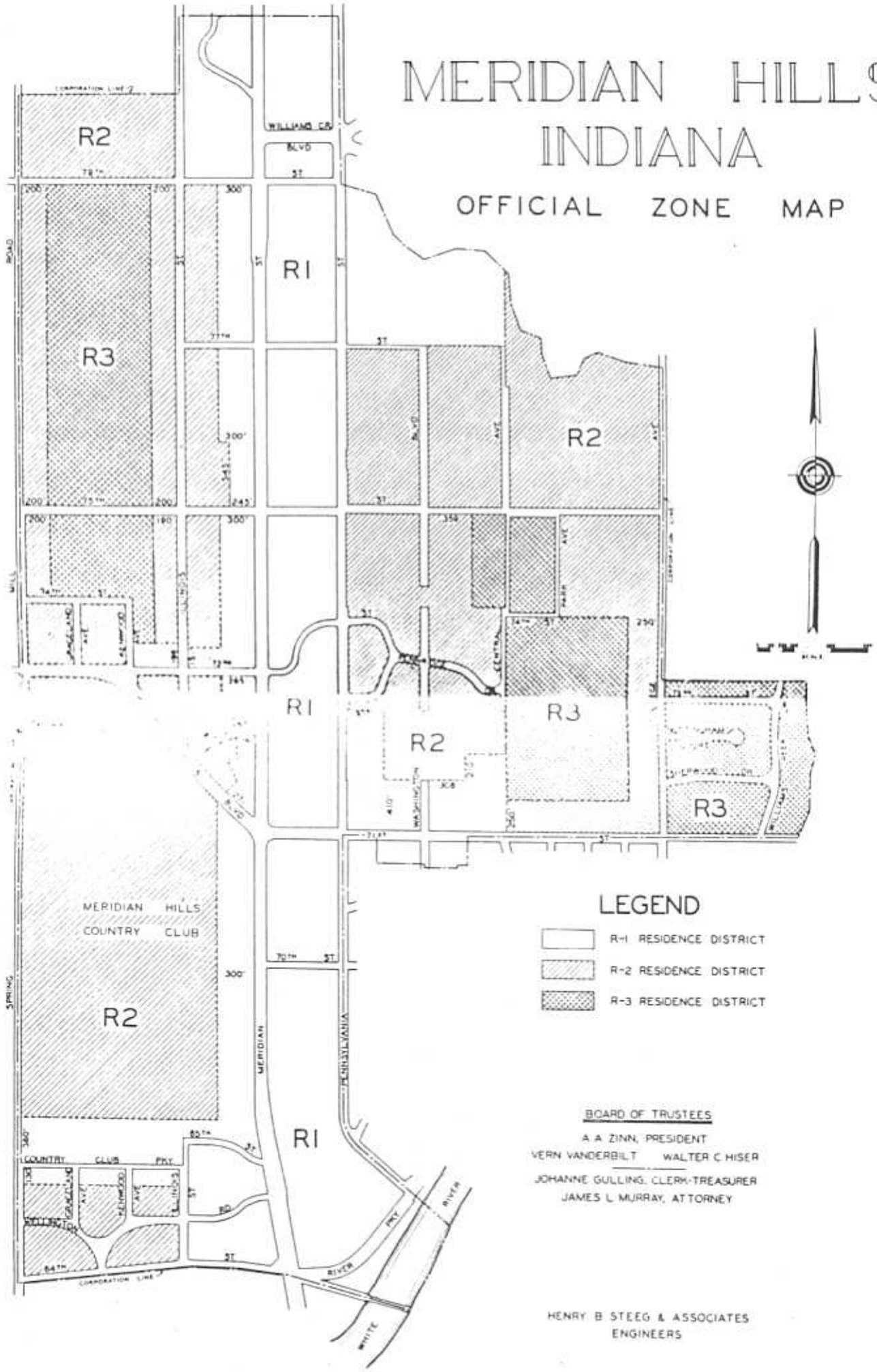
Sec. 23. Repeal of Conflicting Ordinances. All ordinances or parts of ordinances of the *Town of Meridian Hills, Indiana*, in conflict with any provisions of this ordinance are hereby repealed; and *General Ordinance No. 1*,

1940, entitled *"Zoning Ordinance For Town of Meridian Hills"* is hereby specifically repealed.

Sec. 24. Publication. This ordinance shall be and the same is hereby authorized and ordered to be printed and published in pamphlet form to be entitled *"Zoning Ordinance for Town of Meridian Hills, Indiana"*.

MERIDIAN HILLS INDIANA

OFFICIAL ZONE MAP



BOARD OF TRUSTEES

A A ZINN, PRESIDENT

VERN VANDERBILT WALTER C HISER

JOHANNE GULLING, CLERK-TREASURER

JAMES L MURRAY, ATTORNEY

HENRY B STEEG & ASSOCIATES
ENGINEERS