

ARTICLE 5. GENERAL BUILDING RESTRICTIONS

Sub-Article 1. Restrictions as to Location

(4.1.1). §C26-246.0 Fire Limits Established.-

a. All of the city shall be inside the fire limits; except those portions of D, E, F and G area districts restricted to uses permitted in residence districts, as fixed by the building zone resolution and amendments thereto prior to January first, nineteen hundred thirty-eight, and such D, E, F and G area districts restricted to uses permitted in residence districts as may thereafter be established; and except those portions of the borough of The Bronx included within a line running one hundred feet south of Eastern Boulevard from the junction of Eastern Boulevard and the Bronx River easterly and northerly to one hundred feet north of Pelham Parkway, thence one hundred feet north of Pelham Parkway to one hundred feet east of Boston Post Road, thence one hundred feet east of Boston Post Road to the city line and thence by the city line, the bulkhead line and the Bronx River to the point of beginning, and within a line running one hundred feet west of Broadway from the Yonkers City line to the Harlem River, thence by the Harlem River, the Hudson River, and the Yonkers city line to the point of beginning; and except the borough of Richmond.

b. Nothing herein contained shall place outside the fire limits any area which was within the limits on January first, nineteen hundred thirty-eight.

(4.1.2). §C26-247.0 Construction Within the Fire Limits.-Within the fire limits it shall be unlawful to construct frame structures of wood or other combustible materials, except as otherwise specifically provided in this title.

(4.1.3). §C26-248.0 Frame Construction Outside of the Fire Limits.-Outside of the fire limits the only frame structures of wood or other combustible materials which may be constructed after January first, nineteen hundred thirty-eight, shall be such as are otherwise specifically provided for in this title and the following:

1. (a). A structure to be occupied exclusively for residence purposes by not more than two families and having-

(1). A maximum of eight livable rooms per family when such structure covers eighty percent or less of the area of the plot on which is erected and is so located that the combined distances from side lot lines is at least six feet and the distance from a side lot line is at least two feet, except that where a building is contiguous to another the distance from the opposite side lot line shall be at least four feet; and except when the width of the plot is thirty feet or less, the superintendent may permit a single family dwelling to be erected three feet or more from the lot line on one side and two feet or more on the other side if the latter side is not contiguous with the building on the adjoining lot.

(2). A maximum of ten livable rooms per family when such structure covers more than fifty percent and not more than sixty percent of the width of the plot on which it is erected and is located at least twenty-five feet distant from the nearest lot line.

(3). A maximum of twelve livable rooms per family when such structure covers not more than fifty percent of the width of the plot on which it is erected and is located at least fifty feet from the nearest lot line.

1. (b). The exterior wall or walls of any frame structure distance less than three feet from a lot line shall be of masonry or veneered in accordance with the rules of the board or of stud construction with the space between studs filled with four inches of masonry laid in cement mortar or with four inches of concrete and covered on the exterior with metal lath and Portland cement plaster at least seven-eighths of an inch thick and on the interior with materials as approved for one side of one-

hour fire-resistive construction. Cement plaster, where used on the exterior surface of a structure, shall be of a one to three mixture. If veneered with masonry, such exterior walls shall be fire-stopped in accordance with the rules of the board. Openings in such exterior walls shall be protected with protective assemblies having a fire-resistive rating of three-quarters of an hour, except that glazing of windows and doors may be one-quarter of an inch thick plate glass with no light exceeding three hundred sixty square inches in area.

2. (a). Two frame structures such as are permitted in clause one of paragraph a of subdivision one of this section may be erected contiguously, but if so erected the exterior walls of the structure shall be separated from the lot line by a space of at least four feet on each side and the party wall shall be an unpierced masonry wall, or an unpierced stud partition with studs at least four inches by two inches with beams staggered so as to provide at least four inches of approved masonry between beams for the full thickness of all and with the space between studs filled with masonry laid in cement mortar or with concrete, and covered on both sides with incombustible materials as approved for one hour fire-resistive construction.

(b). Such party walls shall extend through the roof at least two feet except that in roofs pitched at an angle of twenty degrees or more from the horizontal, such party walls may stop at the top of the roof boards provided no combustible material passes through the party wall and the junction of roof and wall is thoroughly fire-stopped.

3. One-story stables or garages on the same plot with a one or two family residence structure provided such stables or garages are six hundred square feet or less in area and fifteen feet or less in height, and their exterior walls are distant at least three feet from the lot lines, except that their exterior walls may be located less than three feet from the lot lines if built of approved masonry or masonry veneered in accordance with rules of the board or spaces between studs are solidly filled with approved masonry materials.

4. In the borough of Richmond, a frame structure erected to be used for business purposes other than garages, motor vehicle repair shops or gasoline service stations, provided that such structure shall not exceed two stories in height or more than three thousand square feet in area, and provided further that such structure shall not cover more than eighty percent of the width of the plot on which it is erected and that it is located at least four feet from the lot line on either side.

5. A frame structure other than one of those previously described, if approved by the superintendent, provided that:

(a). Such structure shall not be used for commercial or industrial purposes:

(b). Such structure shall not be used as a place of assembly;

(c). Such structure be forty feet or less and three stories and basement or less in height and of not more than fifty-five hundred square feet in area, occupied by a club, association or other social or non-profit recreational-use structure, having no sleeping rooms, except those in the living quarters of the resident custodian and his immediate family and except sleeping rooms for not more than four employees located below the third story;

(d). Every wall and other part of such structure be located thirty feet or more from the nearest boundary line of the plot on which it is erected and there be no other structure between such structure and the nearest boundary line unless such other structure is at least thirty feet distant from the subject structure.

(4.1.4). §C26-249.0. Separation of Frame Structures.-Except as otherwise specifically provided in this article, frame structures of wood or other combustible materials shall have clearance of at least six feet from all other such frame structures upon the same plot.

(4.1.5). §C26-250.0 Enlargement of Wood Frame Structures.-

a. Any wood frame residence structure erected before January first, nineteen hundred thirty-eight may be altered or enlarged without changing the class of construction and in accordance with sections C26-248.0, C26-249.0, C26-255.0 and C26-256.0 if such structure is to be occupied after such alteration or enlargement, exclusively as a one- or two-family residence and contains at most eight livable rooms per family. The requirements of this section shall apply to all buildings where central heating equipment or approved gas or electric space heaters are or are to be installed. The requirements of this section affecting the installation of a heating system shall not apply where all year occupancy has been established before April twenty-fourth, nineteen hundred fifty-nine, as evidenced by the owner's affidavit and by the existence of a masonry chimney, and where exterior walls are of dry wall construction, or plastered in good condition, or are properly fire-retarded prior to the installation of a heating system.

b. Other wood frame structures erected before January first, nineteen hundred thirty-eight, when located outside of the fire limits, may be enlarged provided that after enlargement they are within the limitation as to size and occupancy prescribed in sections C26-248.0 and C26-254.0.

c. Any wood frame structure erected before January first, nineteen hundred thirty-eight, may be enlarged provided the new extensions are all Class 1, 2 or 3 construction, and provided further that the structures after alteration are within the limits of height and area prescribed in section C26-254.0, for Class 1, 2 or 3 structures, respectively.

d. Nothing in this section shall be construed to permit the enlargement of any wood frame structure erected before January first, nineteen hundred thirty-eight, within the fire limits, occupied exclusively as a private dwelling, to exceed the limits authorized as follows:

1. For the purpose of erecting a flat roof thereon, any structure already exceeding twenty-five feet in height may be raised to a height of thirty-five feet or less.

2. A one-story and basement structure may be increased one additional story in height.

3. Any such structure may be extended either on the front or rear to a depth of fifteen feet or less and not more than the width of the structure and not more than two stories and basement in height.

4. If any such structure has all extension of less width than the main structure, the extension may be increased in width to the full width and height of the main structure.

5. Any such structure may have bay windows of wood placed on any story, except when such bay windows would increase the width of the structure to more than eighty-five per cent of the width of the lot.

6. The size of such structure after alteration shall be within the limitation specified in sections C26-248.0 and C26-254.0.

(4.1.6). §C26-251.0 Repair of Damaged Structures.-

a. Within the fire limits a frame structure of wood or other combustible materials erected before January first, nineteen hundred thirty-eight, which in the judgment of the superintendent is damaged from any cause to an amount more than one-half its value exclusive of foundations or is in need of structural repairs to an amount greater than one-half its value exclusive of foundations, shall be demolished.

b. All other structures which in the judgment of the superintendent have been damaged from any cause to an amount one-half of their value, or less, exclusive of foundations, may be restored to their previous condition; if damaged more than one-half of such value the structure shall be completely demolished or reconstructed in accordance with the requirements of this title.

c. If the owner of the structure damaged or in need of repairs is dissatisfied with the decision of the superintendent as to the amount of such damage or the need for repairs, the amount of such damage or repairs shall be determined by competent surveyors. One surveyor shall be appointed by the superintendent, one by the owner, and, in case these two disagree, one shall be selected by them jointly. Each surveyor appointed by either the superintendent or the owner shall be a licensed professional engineer or a licensed architect, and if a third is appointed, he shall be a licensed professional engineer, licensed architect, or a builder of at least ten years' experience. The owner of the property surveyed shall pay a fee of twenty-five dollars each for the services of the surveyor appointed by him and for the third surveyor, if any. The report of the survey shall be reduced to writing and, when signed by any two of the surveyors, shall be conclusive. Any construction upon a structure, that is the subject of survey, shall be unlawful until after the decision of the surveyors has been rendered.

d. If the owner of the structure damaged or in need of repairs is dissatisfied and elects to proceed under the provisions of subdivision c of this section, he may do so only within ninety days of the date of notice of the superintendent's decision.

(4.1.7). §C26-252.0 Moving of Structures.-It shall be unlawful to move a frame structure of wood or other combustible materials from outside the fire limits to any point within such limits.

(4.1.8). §C26-253.0 Unlawful Maintenance, Occupation or Use.-It shall be unlawful to maintain, occupy or use any wood frame structure erected after January first, nineteen hundred thirty-eight, in violation of any provision of this title.

(4.1.9). §C26-253.1 Combining One-family Dwellings.-Where two separate, existing one-family dwellings of any class of construction are combined into one two-family dwelling, the street wall of the building shall include the entire width of at least one livable room of each dwelling unit.

Sub-Article 2

Restrictions as to Height and Area

(4.2.1). §C26-254.0 Heights and Area Limits.-

a. The maximum heights and areas of structures between exterior walls or between exterior walls and fire walls shall be within the limits fixed by the following table, according to the kind of occupancy to be provided for. Exterior wall thicknesses shall be included in calculating gross area. [EDITOR'S NOTE-See Table on Next Page].

CONSTRUCTION CLASSIFICATION

Use Classification	Class 1 Fireproof		Class 2 Fire Protected			Class 3 Non-Fireproof			Class 4 Wood Frame		Class 5 Metal		Class 6 Heavy Timber		
	Height	Area in sq. ft.	Height	Area in sq. ft.	No. of Street Fronts	Height	Area in sq. ft.	No. of Street Fronts	Height	Area in sq. ft.	Height	Area in sq. ft.	Height	Area in sq. ft.	No. of Street Fronts
(1) Public buildings—churches (only)	Unlimited		40 ft. and not more than 3 occupied stories	7,500 12,000 15,000	1 2 3	30 ft. not more than 2 stories	5,000 6,000	1 2 or 3	1 story	600	1 story	2,500	40 ft. not more than 2 stories	6,000 8,000	1 2 or 3
(2) Public buildings—other than churches, hospitals, asylums and places of incarceration and amusement.			Same as above	30 ft. not more than 2 stories	5,000 6,000	1 2 or 3	1 story except as provided in Section C26-248.0 sub-division 5	600	1 story	2,500	35 ft. not more than 2 stories	6,000 8,000	1 2 or 3		
(3) Public buildings—other than (1) and (2). Hospitals, asylums and places of incarceration and amusement only.			Same as above	20 ft. not more than 1 story	5,000	1, 2 or 3	1 story	600	1 story	600	20 ft. not more than 1 story	6,000	1 2 or 3		
(4) Commercial buildings—other than garages, motor vehicle repair shops and gasoline stations.	Unlimited		75 ft. and not more than 6 stories	7,500 12,000 15,000	1 2 3	50 ft. not more than 4 story	7,500 12,000 15,000	1 2 3	2 stories only as provided in Section C26-248.0 sub-division 4	as provided in Section C26-248.0 sub-division 4	30 ft. 1 story	15,000	65 ft. 5 stories	7,500 12,000 15,000	1 2 3
			50 ft. and not more than 4 stories	10,000 14,500 17,500	1 2 3	30 ft. not more than 2 story	10,000 14,500 17,500	1 2 3					40 ft. 3 stories	10,000 14,500 17,500	1 2 3
(5) Commercial buildings – Garages, motor vehicle repair shops and gasoline selling stations.	Unlimited		2 story	7,500 12,000 15,000	1 2 3	1-story	7,500 12,000 15,000	1 2 3	1 story only as permitted in Section C26-248.0 sub-division 3	as permitted in Section C26-248.0 sub-division 3	20 ft. 1 story	5,000	1 story	10,000 15,000 18,000	1 2 3
(6) Residence buildings.	Unlimited		100 ft. and not more than 9 stories	12,000 15,000 20,000	1 2 3	75 ft. not more than 6 stories	3,000	1, 2 or 3	35 ft., 2 story and attic without human occupancy except that single family dwellings may be 40 feet. 3 stories and except as otherwise provided in section C26-248.0.	2,500	1 story	2,500	75 ft. 6 stories	3,000	1 2 or 3

- b. The limits of area for business and garage structures, except Class 5 metal structures, may be increased one hundred percent when approved sprinkler systems are installed.
- c. Class 2, Class 3 and Class 6 business and garage structures of greater total area may be constructed provided they are divided by fire walls into areas within the tabular limits.
- d. Public buildings of Class 3 construction, whose tabular height limitation is twenty feet, may be erected to a height of thirty-five feet if having only one occupied story.
- e. Class 3 residence structures of greater area than three thousand square feet may be constructed provided they are divided into units of area of three thousand square feet or less, by walls or partitions having a fire-resistive rating of at least three hours.
- f. Class 5 business structures when used for manufacturing purposes or for the storage of materials of an inflammable or highly combustible nature shall be separated by at least fifteen feet from any lot line. In other cases the building shall be located at least four feet from the nearest lot line.
- g. Coal pockets and grain elevators, within the fire limits, shall be Class 1 or Class 2 structures.
- h. Class 6 structures exclusively for the storage or handling of building construction materials may, in the discretion of the superintendent, exceed forty feet, three stories in height.
- i. For the application of tabular restrictions on Class 4 residence structures erected on ground whose elevation is three or more feet above the curb level, the height of a building shall be measured from the average level of such elevated ground minus three feet when such building is situated on a lot or plot not more than fifteen feet above the legal curb level, and has not less than ten feet on all sides or at least ten feet at front and at rear and to the limits of the lot or plot on the two sides.
- j. Central station power generating plants of entirely incombustible construction shall not be limited as to height and area.

(4.2.2). §C26-255.0 Increase in Height of Existing Structures.-

- a. It shall be unlawful to increase the height of any structure erected before January first, nineteen hundred thirty-eight, the height of which is equal to or less than the tabular height for like occupancy, so as to exceed the corresponding tabular height.
- b. It shall be unlawful to increase the height of any structure erected before January first, nineteen hundred thirty-eight, the height of which exceeds the tabular height for like occupancy.

(4.2.3). §C26-256.0 Increase in Area of Existing Structures.-

- a. It shall be unlawful to increase the area of a structure so as to exceed the corresponding tabular area, unless the enlarged structure is divided by fire walls into areas within the tabular limits.
- b. It shall be unlawful to increase the area of any structure erected before January first, nineteen hundred thirty-eight, the area of which exceeds the tabular area for like occupancy, unless the existing and additional areas are separated by fire walls and the additional area is within the tabular limits or is subdivided by fire walls into areas within the tabular limits.

(4.2.4). §C26-257.0 Fire Protection in Structures Other Than Those of Class 1 and Class 2 Construction.-Structures erected after January first, nineteen hundred thirty-eight, altered or converted to be used as garages, motor vehicle repair shops, or gasoline service stations, shall have the partitions, columns and girders, unless of fireproof construction, and all wood floor and roof construction covered and protected on all sides with fire retarding materials or assemblies having a fire resistive rating of at least one hour and in such manner as may be prescribed by the

rules of the board, except that when such buildings are one story or less in height, and are without basement or cellar, such protection shall be unnecessary for the roof construction.

(4.2.4.1). §C26-257.1 Open Type Parking Garage Structures.-

a. Structures which are used exclusively as garages for the commercial parking or storage of passenger motor vehicles having a capacity not exceeding nine persons per vehicle, except for the sale of gasoline and oil, as herein provided, on the street level and which when completed are without enclosure walls for fifty per cent or more of the area on at least two sides of the garage at each parking level, may be constructed according to the provisions of this section. Each of the two sides that are without enclosure walls for fifty per cent or more of the area, shall have a minimum length of fifty feet.

b. Open type parking structures in which the cars are parked mechanically by means of a parking machine in such manner that no person other than the operator of the parking machine, and the parking mechanism is permitted above the street level shall herein be referred to as mechanized parking garages.

c. No parking shall be permitted more than four feet below curb level in open type parking garages unless that portion of the building below grade meets the requirements for class 1 or class 2 construction.

d. Automobile repairs for sale of automobile accessories shall be unlawful in open type parking garages.

e. The enclosure and spandrel wall of such structures may be omitted, except on any side which faces and is located within fifteen feet of a lot line other than a street line or within fifteen feet of another building. Where enclosure or spandrel walls are required by the provisions of this section, they shall be of incombustible construction having a fire resistive rating of at least two hours and the structural supports of such walls exclusive of bracing, shall be constructed or enclosed in material having a fire resistive rating of at least two hours. Spandrel walls that are not required by the provisions of this section shall be constructed of incombustible materials. Enclosure walls that are not required by the provisions of this section shall comply with the requirements for enclosure walls according to the class of construction. Where enclosure and spandrel walls are omitted, no glass, tarpaulins or other enclosing material shall be permitted, except that adequate curbs and guard rails, acceptable to the superintendent, shall be provided at such opening in exterior walls.

f. Open type parking structures shall conform to the requirements for class 1 fireproof or class 2 fire protected structures, or class 3 non-fireproof structures, except as otherwise provided in this section.

g. Open type parking garage structures of class 3, non-fireproof construction, in addition to complying with the requirements for that class of structure, except as otherwise permitted in this section, shall also comply with the following requirements:

1. All construction, including structural members, partitions, stairs, floors and roof construction, including flooring, shall be of metal, concrete masonry, or a combination thereof, or other incombustible materials acceptable to the superintendent, except that floors and roofs may be surfaced with materials meeting the requirements of section C26-605.0 to section C26-608.0, inclusive.

2. Open type parking garages of class 3 non-fireproof construction, meeting the requirements of this section may be erected to a height not exceeding eight parking levels nor more than 60 feet and to an area not exceeding 30,000 square feet on each level. In no

case shall the building extend more than two hundred feet in depth from the nearest lot line bordering on a street.

3. Open type parking garages may be constructed to an area if divided by fire walls into areas not exceeding those specified herein and if conforming to the specified heights.

4. When the floor or roof deck is constructed of steel and is used for parking, the minimum thickness of steel shall be 3/16 inch, except that those portions of the floor or roof deck not subject to vehicular loads may have a minimum thickness of no. 12 Birmingham wire gage unless adequately reinforced to support the design loads. Gratings or openings in the floor or roof shall not be permitted except for stairs, piping, man lifts, or parking machines and in the ramp flooring.

h. Open type parking garages of class 1, fireproof construction, and class 2, fire protected construction, meeting the requirements of this section may be erected to a height not exceeding ten parking levels, nor more than 75 feet, and to an area not exceeding 30,000 square feet on each level.

i. All floor areas and all structural parts shall be designed for a minimum uniformly distributed live load of 75 pounds per square foot, except that the secondary members of those spaces where vehicular loads cannot be applied shall be capable of supporting a uniformly distributed live load of not less than 50 pounds per square foot and such members shall be relieved from the requirements for concentrated loadings as provided in section C26-345.0. All other floor areas accessible to vehicular loading shall be designed for the concentrated loads specified in section C26-345.0; except that in mechanized parking garages in which the car is not operated under its own power, that portion of the floor area which supports wheel loads may be designed for minimum concentrated loads of 1,500 pounds, provided the car is parked in such manner as to prevent impact and the size and arrangement of such floor area prohibits jacking of the car for removal or repair of tires or any other operation that would cause an impact load or load concentration in excess of 1,500 pounds.

j. Open type parking garage structures of class 2, fire protected construction, may be erected to areas not exceeding twice those specified herein for class 3 structures of corresponding height.

k. Open type parking garages in which cars are parked under their own power by a person in the car, but no passengers other than the car operators are permitted above the street parking level shall be constructed with at least two stairways remote from each other and the distance from any point of a level to a stairway shall not exceed 150 feet. Where no persons other than garage personnel are permitted above the street level, no stair enclosures shall be required, except as provided herein for the roof level in buildings not exceeding ten parking levels or 75 feet in height. Where fire walls are provided to avoid exceeding the areas herein specified, at least one stairway shall be provided on each side of the fire wall or walls. All required stairs shall continue to the roof and where not otherwise required to be enclosed, shall be enclosed at the roof with a bulkhead constructed of metal, concrete or masonry or a combination thereof, or other incombustible materials acceptable to the superintendent, and the well openings shall be adequately protected by railings and toe boards or equivalent safeguards.

l. Mechanized parking garages as defined in the section, not exceeding ten parking levels or 75 feet in height, in which cars do not operate under their own power above the street parking level, shall be provided with fire access stairs so located that at least two stairs shall be accessible from any point in every parking area and every point of a parking area shall be

within a distance of 150 feet from a stair. The fire access stairs shall be not less than 22 inches wide, constructed of incombustible materials, having an inclination of not more than 60 degrees to the horizontal. Such stairs shall extend from the street parking level to the roof with an unobstructed landing at each parking level and with a rise of not more than 15 feet between landings. The fire access stairs shall be protected throughout to a height of not less than three feet with a wire mesh screen of not less than no. 10 U.S. gage, having openings of not more than once and one-quarter inches in any dimension, or with other rigid, incombustible guards. Hand rails shall be provided on the stairs and floor openings in every tier shall be protected with adequate railings and toe guards acceptable to the superintendent.

m. In the open type parking garages where no passengers other than car operators are permitted above the street level, if the building does not exceed ten parking levels or 75 feet in height and in other open type parking garages not exceeding two parking levels in height, shafts may be open and unenclosed, but a roof of incombustible material at least three feet above the adjoining roof level shall be placed over shafts, other than over fire access stairs and parking machine areaways in mechanized parking garages.

n. In all other garage structures, the number, location and enclosure of stairs, ramps and elevators shall be as required for buildings of that use, height and class of construction.

o. The sale of gasoline and oil shall be permitted only on the street floor of open type parking garages, provided that sales are made only for cars using the parking facilities of the garage. The area for the sale of gasoline and oil shall be located at a car entrance or exit from the garage and shall be arranged and limited in size so as to serve only those cars using the parking facilities of the building. The area used for such purpose shall be completely separated from the garage area by a partition having a fire resistive rating of at least two hours, extending in class 3 structures from the lowest floor level to the underside of the floor above the area used for the sale of gasoline and oil, and in class 3 structures a ceiling having a fire resistive rating of at least one hour shall be constructed over such area. The openings between such area and the area used for garage shall be protected by automatic shutters or fireproof self-closing doors having a fire resistive rating of at least one hour, and the floor of such area shall be pitched to the sidewalk with a slope of not less than one-quarter inch per foot. The gasoline dispensing pumps shall be located at least nine feet from the street line and the use of portable pumps is prohibited.

p. In open type parking garages not exceeding ten parking levels or 75 feet in height and not more than 30,000 square feet in area no standpipe shall be required, but the following first aid fire extinguishing equipment shall be provided:

In other than mechanized parking garages, for each 2,500 square feet of parking level area, and in addition, in the area used for the sale of gasoline and oil:

One 2½ gal. unit of fire protection for Class "A" fires, and

One 2½ gal. unit or equivalent of fire protection for Class "B" fires.

Such first aid fire extinguishing equipment shall be located as required by the fire commissioner on each parking level. In mechanized parking garage one 2½ gal. unit of fire protection for Class "A" fires, and one 2½ gal. or equivalent unit of fire protection for Class "B" fires shall be located on each parking level near the fire access stairs and on each parking machine. When necessary to prevent freezing, extinguishers shall be enclosed in approved heated cabinets constructed of steel or other incombustible materials acceptable to the superintendent and the location of the cabinet shall be indicated by a red electric light of not less than 50 watts.

q. The provisions of section C26-649.0 and C26.651.0 shall not apply to open type parking garages not exceeding ten parking levels or 75 feet in height;

r. Open type parking garages shall comply with all pertinent provisions of this code except as otherwise provided by this section.

(4.2.4.2). §C26-257.2 Height of Fences.-In other than residence Use districts as established by the zoning resolution, fences may be erected throughout the city to a maximum height of ten feet. In residence use districts, it shall be unlawful to erect any fences, whether of masonry, steel, wood or any other material, to a height of more than six feet above the ground except that fences used in conjunction with non-residence buildings and public playgrounds excluding buildings accessory to dwellings, may be erected to a height of fifteen feet. Higher fences may be approved by the superintendent where required for the enclosure of public playgrounds, school yards, parks and similar public facilities.