

- Type III—Mill or Slow-burning Construction.
- Type IV—Protected Ordinary Masonry Construction.
- Type V—Ordinary Masonry Construction.
- Type VI—Unprotected Metal Construction (not over 1,000 square feet in area nor 15 feet in height).

Alterations Within the Fire Limits.

4.103 (a) Within the Fire Limits District all additions to, or enlargements of, existing buildings shall conform to the provisions of Section (f) of the Preface of this Code.

4.104 (a) Structures of other than the above mentioned types may be erected in the fire limits as follows:

1. Contractor's construction sheds used only in connection with authorized construction operations, as provided in Section 1.102, paragraph (f).
2. Greenhouses not more than 15 feet high, erected in connection with another building.
3. Temporary buildings as provided in Section 1.102, paragraph (f).
4. One and two family residences of any type permitted by other sections of this Code.

Prohibited Occupancies in Fire Limits.

4.105 (a) The following occupancies shall not be permitted within the Fire Limits District:

1. Dry cleaning plants.
2. The storage, sorting, or baling of rags, waste cloth, waste paper, or other readily combustible materials, except in connection with the disposal of by-products of an approved occupancy.
3. The storage of new or used lumber or other combustible material which, in the opinion of the chief of the Fire Department constitutes a fire hazard to surrounding buildings.
4. The handling or storage of dynamite, gunpowder, or other highly explosive materials of similar character.
5. Other businesses of a hazardous or obnoxious nature, except where permitted by special permission of the Village Commission.

Use of Explosives in Fire Limits.

4.106 (a) Special permission may be granted by the Building Inspector, with the approval of the Chief of the Fire Department, for the use of explosives in the fire limits.

Section 4.2 RESTRICTIONS AS TO HEIGHTS

Allowable Heights.

4.201 (a) The height to which buildings of different construction types may be erected shall be governed by the class of occupancy as permitted in the following table, except that for special occupancies the provisions given in Chapter XII shall also be complied with.

PERMITTED HEIGHTS OF BUILDINGS

TYPE OF CONSTRUCTION	CLASSIFICATION BY OCCUPANCY					
	Class 1 Public	Class 2 Institutional	Class 3 Residential	Class 4 Business	Class 5 Hazardous	Class 6 Misc.
Type I—Fire-resistive	300	150	300	300	150	300
Type II—Semi Fire-resistive	125	10	85	125	10	85
Type III—Mill	45	2	45	2	45	2
Type IV—Protected Ordinary Masonry	45	2	45	2	45	2
Type V—Ordinary Masonry	45	2	1	35	2	45
Type VI—Unprotected Metal	1	1	1	35	2	45
Type VII—Frame	1	1	1	35	2	45

NOTE: * Office buildings may be 125 feet in height and have 10 stories, provided, however, if such buildings are 10 stories in height the occupancy of the upper 6 stories shall be restricted to offices entirely and if 9 stories in height the occupancy of the upper 3 stories shall be so restricted.

† Single and two-family residences may be 35 feet and 2 1/2 stories in height.

Section 4.3 RESTRICTIONS AS TO FLOOR AREAS

4.301 (a) The maximum single floor areas of buildings of different types of construction and different occupancies shall not exceed the limits as allowed in the following table, provided, however, that no building shall be limited in area if it is divided by fire walls into subdivisions none of which exceed the areas allowed by the table.

TYPE OF CONSTRUCTION	CLASSIFICATION BY OCCUPANCY					
	Class 1 Public	Class 2 Institutional	Class 3 Residential	Class 4 Business	Class 5 Hazardous	Class 6 Misc.
Type I—Fire-resistive	Unlimited	Unlimited	Unlimited	Unlimited	20,000	Unlimited
Type II—Semi Fire-resistive	Unlimited	Unlimited	Unlimited	Unlimited	25,000	Unlimited
Type III—Mill	12,000	12,000	12,000	12,000	10,000	12,000
Type IV—Protected Ordinary Masonry	10,000	10,000	10,000	10,000	10,000	10,000
Type V—Ordinary Masonry	7,000	7,000	7,000	7,000	7,000	7,000
Type VI—Unprotected Metal	10,000	10,000	10,000	10,000	10,000	10,000
Type VII—Frame	3,000	3,000	5,000	1,200	Not Permitted	3,000

† Hangars of Type VII, frame construction, may be erected in areas not exceeding 5,000 square feet, provided there be maintained a clear distance of not less than 40 feet between such hangars and the nearest building.

The allowable area as given in the preceding table may be increased, dependent upon, the number of streets upon which the building faces and the sprinkler equipment in accordance with the following schedule:

Building facing on	ALLOWABLE INCREASE IN AREA
2 streets	30%
3 or more streets	60%
Fully sprinklered buildings	100%

NOTE: See appendix paragraph 1 for method of computing allowable increases.

Section 4.4 RESTRICTIONS AS TO LOCATION ON PROPERTY.

4.401 (a) The following provisions shall govern the location of buildings and the protection required depending upon their proximity to adjacent buildings on the same lot or to the adjoining lot line.

- (b) All exterior walls or parts of walls, except on street or alley lines, of Class 1 buildings which are less than 8 feet from adjacent property lines shall have all openings protected by fire windows or automatic fire shutters.
- (c) All exterior walls or parts of walls, except on street or alley lines, of Class 2 buildings which are less than 8 feet from adjacent property lines shall have all openings protected by fire windows or automatic fire shutters.
- (d) All Class 3 buildings shall have a side yard space along each side lot line, the least width of which shall be not less than the following:

Width of Lot 50' or more	No. of Stories	Minimum Width of Side Yard	Sum of Widths of Both Side Yards
Less than 50' and 45' or more	1 or 1 1/2	5' 0"	13' 0"
	2 or 2 1/2	5' 0"	15' 0"
	3	5' 0"	17' 0"
Less than 45'	1 or 1 1/2	4' 0"	12' 0"
	2 or 2 1/2	5' 0"	14' 0"
	3	5' 0"	15' 0"

For buildings over 3 stories in height the minimum side yard width shall be increased 1 foot for each full story above the third and the sum of such side yard widths shall be increased 2 feet for each additional full story.

Cornices, including gutters, shall not project more than 12 inches beyond the line set in the above table.

Small projections not over ten feet wide may project into such minimum open spaces not to exceed 1 foot, when it is clearly evident, in the opinion of the Building Inspector, that with such projection, light and air are provided substantially equivalent to the above requirements and that no material increase in fire exposure hazard is created by such projection.

Within the fire limits Class 3 buildings may be built up to the lot lines, providing, however, such lot line wall is an unpierced masonry wall and the required light and ventilation is obtained from other sources.

Garages constructed as part of a Class 3 building shall be considered as part of such building and shall comply with the restrictions as to the location thereof.

Any terrace or group of attached residences shall be considered as one building for the purpose of defining location.

Class 4 Business (e) All exterior walls or parts of walls, except on street or alley lines, of Class 4 buildings which are less than 8 feet from adjacent property lines shall have all openings protected by fire windows or automatic fire shutters.

Class 5 Hazardous (f) All exterior walls or parts of walls, except on street or alley lines, of Class 5 buildings which are less than 8 feet from adjacent property lines shall have all openings protected by fire windows or automatic fire shutters.

Class 6 Miscellaneous (g) Private garages, and all other accessory buildings on the same lot with a Class 3 building shall be not less than 3 feet from any dividing property line, except street or alley lines.

All exterior walls or parts of walls, except on street or alley line, of all other class 6 buildings less than 8 feet from adjacent property lines shall have all openings protected by fire windows or automatic fire shutters.

Fire separations shall be required for the different classes of occupancy as shown in the table below:

(See Next Page, Columns One and Two, for Table)

Section 4.6 RESTRICTIONS BEYOND THE BUILDING LINE.

4.601 (a) Aisles, meaning thereby open spaces below the ground or grade level, enclosed by substantial walls and immediately outside the building, may project beyond the street line not more than 1/15 of the width of the street, but not more than 5 feet and shall be not over 6 feet long, provided, however, that every such area shall be covered over at the street level by a properly designed covering and all doors, lights, or other portions thereof, shall be designed to support a uniformly distributed superimposed live load of 300 pounds per square foot. No glass or tile greater than 2 1/2 inches in width or diameter sidewalk. Open grilles shall not be used in any sidewalk.

Openings in Aisways

(b) All doors and coal hole covers shall have non-slip surfaces and shall close flush with the surface of the sidewalk and no lock, hinge or other device or part thereof shall project above the level of the same. All such openings when open, shall be guarded by a rigid guard on all sides except the side in use. Chain rails will not be permitted. Doors shall remain open only when in actual use and attended by some person, but not after sunset in any case. Warning bells, or other adequate warning devices, shall be provided, which will warn automatically at all times such doors in aisways are opening.

License required for aisways

(c) No building permit shall be issued by the Building Inspector for the construction of any areaway upon any public property until special license shall have been secured therefor from the Village Commission of the Village of Birmingham. Such license shall provide that at any time upon 10 days notice from the Village of Birmingham, the licensee, his heirs, successors, or assigns shall abandon and fill up such areaway, or any part thereof, as may be ordered by the Village Commission, and shall construct such sidewalks as are necessary. The Village shall reserve the right to cross such areaway, or any part thereof, or to authorize others to do so, with sewer pipes, gas pipes, or other public utilities as may be necessary for any public purpose.

Bond Required

(d) Before the license provided above shall be issued the licensee shall for himself, his heirs, successors and assigns, agree in writing to the conditions of this ordinance and that he and they will be bound thereby and that he and they will hold as licensees of said Village and shall not claim title by adverse possession and furthermore said licensee shall file with the Village Treasurer a bond in the amount of at least \$10,000 in such form as may be approved by the Village Auditor and with such sureties as may be approved by the Village Treasurer, and condition that the obligors in said bond will indemnify and save harmless the Village of Birmingham and all persons using said right of way against all loss, damage, or expense which it or they may suffer or be liable for by reason of the unsafe condition of such areaway or any appurtenance thereto from any cause whatsoever.

Projections of Structures

4.602 (a) Any projection not specifically mentioned in this section shall conform to the general intent of the following provisions:

- 1—BALUSTRADES including the sills and brackets thereof, may project beyond the right of way line not to exceed 22 inches and shall be not less than 12 feet above the sidewalk.
- 2—CORNICES, meaning thereby a moulded projection at or near the top of the street wall, may project beyond the right of way line in the ratio of 1 foot for each 16 feet of height above the sidewalk, but not more than 4 feet in any case.
- 3—DOORS shall not project into the right of way when open or during any part of their swing.
- 4—FIRE ESCAPES and BALCONIES to fire towers or other required exits, when constructed of steel or other incombustible material, may project beyond the right of way line not to exceed 4 1/2 feet, but no part of such fire escape or balcony shall be less than 10 feet above the alley grade.
- 5—HOSE CONNECTIONS OR SIAMENSE FIRE DEPARTMENT CONNECTIONS for interior fire extinguishing equipment may project thru a street wall not to exceed 12 inches beyond the right of way line.
- 6—MOLDINGS, BELT COURSES, LINTELS, SILLS AND SIMILAR PROJECTIONS OF A DECORATIVE NATURE may project beyond the right of way line not to exceed 6 inches, provided, however, that every part of such projection is not less than 10 feet above the sidewalk grade.
- 7—A MARQUEE may project into the public right of way to within a distance of not less than 3 feet horizontally from the curb line, and such marquee shall be altered to conform to this provision in the event the curb line is changed. There shall be maintained a clear vertical height of not less than 10 feet between the lowest part of such marquee and the sidewalk or grade.
- 8—WHEEL GUARDS OF METAL OR CONCRETE, with rounding surfaces and not to exceed 2 feet high may project beyond the right of way line not to exceed 8 inches.
- 9—ALL ROOFS, CORNICES OR OTHER PROJECTIONS shall be so designed as to prevent water from dripping on the sidewalk.
- 10—FOOTINGS may project into the public right of way at the ratio of not more than 1 foot for each ten feet the top of such footings are below grade.

CHAPTER V

Light and Ventilation

Section 5.1 LIGHTING

General Requirements.

5.101 (a) The following general requirements for lighting shall apply in all cases, unless modified by the Special Occupancy Provisions of Chapter XII.

All buildings, or portions thereof, customarily occupied by human beings shall be provided with light by openings of an area not less than 1/10 of the floor area served, such openings to open on a street, alley, court, not less than 10 feet wide, and/or to the sky, provided, however that buildings or portions thereof not occupied by Class 2 or 3 occupancies, if permission is granted in writing by the Building Inspector, may be provided with artificial light if the requirements of Section 5.2 regarding ventilation are complied with.

Section 5.2 VENTILATION

General Requirements.

5.201 (a) All rooms or buildings, which are customarily occupied by human beings, shall be provided with a means of ventilation that shall effectively protect the health and comfort of any persons occupying said rooms or building.

Air Supply.

(b) Such means of ventilation shall be designed, installed and operated so as to provide the following amounts of pure air as a measure of the amounts necessary to protect the health and comfort of the occupants of buildings of the following classifications:

Natural Ventilation

There shall be provided ventilation openings not less in area than 1/50 of the floor area served; provided, however, in all places where heat, dust, fumes or harmful or explosive substances or gases are released in quantities sufficient to injure the health of the occupants, a mechanical exhaust system of ventilation which will remove such