

**RESCINDED BY  
BUILDINGS BULLETIN 2022-004  
REFER TO 1 RCNY 23-01**

**THE CITY OF NEW YORK  
HOUSING AND DEVELOPMENT ADMINISTRATION  
DEPARTMENT OF BUILDINGS**

**DEPARTMENTAL MEMORANDUM**

**DATE:** April 8, 1977

**TO:** Borough Superintendents

**FROM:** Director of Operations Irving E. Minkin, P.E.

**SUBJECT:** NON-COMMERCIAL GREENHOUSES - ACCESSORY TO A DWELLING UNIT IN REQUIRED REAR YARDS OR REQUIRED REAR YARD EQUIVALENTS.

The use of a non-commercial greenhouse may be considered a use accessory to a dwelling unit in a single-family residence, a two-family residence, a multiple dwelling or a mixed building.

Under the provisions of Section 23-44 of the Zoning Resolution entitled "Permitted Obstructions in Required Yards or Rear Yard Equivalents," accessory non-commercial greenhouses are not considered obstructions when located within any required rear yard or required rear yard equivalent, unless that portion of a required rear yard equivalent is also a required front yard or required side yard.

An accessory non-commercial greenhouse with column supports, attached to a building and having access therefrom, may project into a required rear yard or required rear yard equivalent when contiguous with the residential building, under the following conditions:

- (a) The greenhouse may project a maximum of six feet into the required rear yard or required rear yard equivalent measured from the exterior face of the building wall.
- (b) The greenhouse may rest directly upon the grade level or may be supported on columns.
- (c) No offensive odors or dust are created by such use.
- (d) The greenhouse, together with its supports, is permanently constructed of non-combustible material.

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(e) Glazing is to be with plain or wire glass. Slow burning plastic is not permitted. A "greenhouse-type" glass constructed roof must be built as part of the enclosure. The roof is to be constructed for a live load in accordance with the provisions of Section C26-902.6 of the Administrative Code.

(f) The greenhouse floor construction shall be capable of sustaining a minimum live load of 75 lbs. per square foot.

(g) The enclosed greenhouse shall contribute to the floor area of the building.

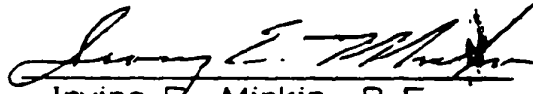
(h) The greenhouse enclosure shall contain openable windows or jalousies providing light and ventilation in any room or rooms opening upon the greenhouse in compliance with paragraph (4), Section 30 of the New York State Multiple Dwelling Law. In this regard, the windows or jalousies shall have at least the area of one-tenth of the combined floor area of such room or rooms and the portion of the greenhouse adjoining and in front of such room or rooms.

(i) The depth of the enclosed greenhouse shall not be included in the maximum permitted depth of a room without a window opening on a lawful court. See Section 30, subdivision 3, of the Multiple Dwelling Law.

An independent accessory greenhouse structure at grade may be located anywhere within the rear yard or rear yard equivalent, provided all other relevant requirements of law are complied with.

IEM/WCK/df

CC: Exec. Staff  
BCAC & Prof. Soc.

  
Irving E. Minkin, P.E.  
Director of Operations

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