

1 RCNY §23-01

CHAPTER 23 NONCOMMERCIAL GREENHOUSES

§23-01 Noncommercial Greenhouses Accessory to Residential Uses as a Permitted Obstruction in Required Rear Yards or Rear Yard Equivalents.

(a) *Definitions:* Greenhouse. A greenhouse shall be defined as a glass or slow burning plastic enclosed building used for cultivating plants.

(b) *Detached accessory noncommercial greenhouse.* A detached accessory noncommercial greenhouse is a permitted obstruction in a required rear yard or rear yard equivalent, pursuant to §23-44 (b) of the Zoning Resolution, when it complies with the following conditions:

1. no portion of the greenhouse is located in a rear yard equivalent which also is a required front or side yard,
2. the greenhouse does not exceed ten feet above the level of the rear yard or rear yard equivalent,
3. the floor area of the greenhouse is included in the total floor area on the zoning lot,
4. the greenhouse use does not create offensive odors or dust,
5. the wall of the greenhouse closest to the appurtenant residential use building shall be a minimum distance of six feet from the exterior wall of such residential use building,
6. the greenhouse shall not be located less than 3 feet from a lot line,
7. the greenhouse shall be constructed of non-combustible materials and glazed with plain or wire glass or slow burning plastic,
8. the glass or slow burning plastic constructed roof shall be capable of supporting the live load prescribed in §27-561 (a) of the Building Code.

(c) *Attached accessory noncommercial greenhouse.* An attached accessory noncommercial greenhouse is a permitted obstruction in a required rear yard or rear yard equivalent, pursuant to §23-44 (b) of the Zoning Resolution when it complies with the following conditions:

1. no portion of the greenhouse is located in a rear yard equivalent which also is a required front or side yard,
2. the greenhouse roof shall be no higher than the level of the floor above the lowest residential level,
3. the floor area of the greenhouse is included in the total floor area on the zoning lot,
4. the greenhouse use does not create offensive odors or dust,
5. in no event shall the greenhouse project more than six feet from the plane surface of the building wall,
6. the greenhouse shall be constructed of noncombustible materials and glazed with plain or wire glass or slow burning plastic. The floor of the greenhouse shall be constructed as required in Table 3-4 of the Building Code, for the construction classification of the building to which it is attached and if not on grade [*sic*] shall be capable of sustaining a minimum live load of 75 pounds per square foot,
7. the roof of the greenhouse shall be constructed of glass or slow burning plastic and capable of supporting the live load prescribed in §27-561(a) of the Building Code,
8. the depth of the greenhouse need not be included in the maximum permitted depth of a room, pursuant to §30(3) of the Multiple Dwelling Law,
9. the greenhouse shall be provided with operable windows or jalousies, whose free openable area shall be equal to at least five percent of the combined floor area of the greenhouse, as prescribed in §27-750 of the Building Code.