Article VII: Administration
Chapter 5 - Certifications

Effective date of most recently amended section of Article VII Chapter 5: 04/30/12

Date of file creation: Web version of Article VII Chapter 5: 3/6/17

Zoning Disclaimer - the Web version of the Zoning Resolution of the City of New York is provided for reference and the convenience of having the Resolution in an online format. Recent amendments to the Zoning Resolution also appear on the Web prior to being incorporated into the print version of the Resolution.
Chapter 5
Certifications

75-00
CERTIFICATIONS

75-01
Certification for Rooftop Greenhouses

A rooftop greenhouse shall be excluded from the definition of #floor area# and may exceed #building# height limits, upon certification by the Chairperson of the City Planning Commission that such rooftop greenhouse:

(a) is located on the roof of a #building# that does not contain #residences# or other #uses# with sleeping accommodations;

(b) will only be used for cultivation of plants, or primarily for cultivation of plants when #accessory# to a #community facility use#;

(c) is no more than 25 feet in height;

(d) has roofs and walls consisting of at least 70 percent transparent materials, except as permitted pursuant to paragraph (f)(3) of this Section;

(e) where exceeding #building# height limits, is set back from the perimeter wall of the #story# immediately below by at least six feet on all sides; and

(f) has been represented in plans showing:
   
   (1) the area and dimensions of the proposed greenhouse, the location of the existing or proposed #building# upon which the greenhouse will be located, and access to and from the #building# to the greenhouse;

   (2) that the design of the greenhouse incorporates a rainwater collection and reuse system; and
(3) any portions of the greenhouse dedicated to office or storage space #accessory# to the greenhouse, which shall be limited to 20 percent of the floor space of the greenhouse, and shall be exempt from the transparency requirement in paragraph (d) of this Section.

Plans submitted shall include sections and elevations, as necessary to demonstrate compliance with the provisions of paragraphs (a) through (f) of this Section, as applicable. A copy of the proposed rooftop greenhouse plan shall be delivered to the affected Community Board, which may review such proposal and submit comments to the Chairperson of the Commission. The certification of a rooftop greenhouse shall not be complete until the earlier of the date that the affected Community Board submits comments regarding such proposal to the Chairperson of the Commission or informs the Chairperson that such Community Board has no comments; or 45 days from the date that such proposal was submitted to the affected Community Board.

No building permits or certificates of occupancy related to the addition of #residences# or other #uses# with sleeping accommodations within the #building# may be issued by the Department of Buildings unless and until such rooftop greenhouse has been fully dismantled. A Notice of Restrictions shall be recorded for the #zoning lot# providing notice of the certification pursuant to this Section. The form and contents of the legal instrument shall be satisfactory to the Chairperson of the City Planning Commission, and the filing and recording of such instrument shall be a precondition to the use of such rooftop greenhouse. The recording information for the rooftop greenhouse certification shall be referenced on the first certificate of occupancy to be issued after such notice is recorded, as well as all subsequent certificates of occupancy, for as long as the rooftop greenhouse remains intact.