

# ZONING RESOLUTION Web Version

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## THE CITY OF NEW YORK



THE CITY OF NEW YORK  
Bill de Blasio, Mayor

CITY PLANNING COMMISSION  
Carl Weisbrod, Chairman

## Article IX: Special Purpose Districts

### Chapter 9: Special Madison Avenue Preservation District

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(12/20/73)

## **Article IX - Special Purpose Districts**

### **Chapter 9**

#### **Special Madison Avenue Preservation District**

(12/20/73)

### **99-00**

#### **GENERAL PURPOSES**

The "Special Madison Avenue Preservation District" as established in this Resolution is designed to promote and protect public health, safety, general welfare and amenity. These general goals include among others, the following specific purposes:

- (a) to preserve and protect the unique character and architectural quality of Madison Avenue and its surrounding area;
- (b) to preserve and enhance street life by promoting specialty shops at street level;
- (c) to introduce amenities relating to the residential character of the area; and
- (d) to promote the most desirable use of land in this area and thus to conserve the value of land and buildings and thereby protect the City's tax revenues.

(2/2/11)

### **99-01**

#### **Definitions**

##### **Development**

For purposes of this Chapter, a "development" includes the construction of a new #building or other structure# on a #zoning lot#, the relocation of an existing #building# on another #zoning lot#, and an #enlargement#.

##### **Landmark building**

A "landmark building" is any #building# designated as a landmark by the Landmarks Preservation Commission, pursuant to procedures set forth in Section 3020 of the New York City Charter and other applicable laws.

Style building

A "style building" is a #building# possessing an architectural style, as described in the Upper East Side Historic District Designation Report prepared by the New York City Landmarks Preservation Commission in 1981.

(12/20/73)

## **99-02**

### **General Provisions**

Except as modified by the express provisions of this Chapter, the regulations of the underlying district remain in effect.

(2/2/11)

## **99-03**

### **Special Use Regulations**

In order to retain the existing #residential# and retail character of the area, #commercial uses# shall occupy at least the first #story# that has a floor level within five feet of #curb level#. Such #commercial uses# shall be limited to #uses# listed in Section 99-031 (Use Group MP). Notwithstanding the provisions of Article V, Chapter 2, #non-conforming uses# may only be changed to #uses# listed in Section 99-031. Such #commercial uses# shall occupy a minimum linear frontage of 75 percent of the frontage of a #zoning lot# on Madison Avenue, except that lots with a frontage of 100 feet or less on Madison Avenue may have a #commercial# frontage of less than 75 percent in order to provide a maximum 25 foot wide entrance to the #residential# portion of the #building#.

The mandatory #use# regulations of this Section may be modified for a #community facility#, pursuant to the certification provisions of Section 99-032 (Modifications of use regulations for a community facility).

(2/2/11)

**99-031**

**Use Group MP**

Use Group MP comprises a group of #commercial# establishments selected to promote and strengthen the existing #commercial# character of the Special District. The #commercial uses# listed in Table A of this Section are permitted in any portion of the Special District located within a C1 District. The #commercial uses# listed in Tables A and B of this Section are permitted in any portion of the Special District located within a C5 District.

Table A

A. Transient Accommodations

#Hotels, transient#

B. Retail or Service Establishments

Antique stores

Art galleries, commercial

Artist's supply stores

Bakeries, provided that #floor area# used for production shall be limited to 750 square feet per establishment

Banks (limited to 40 linear feet of #street# frontage)

Barber shops

Beauty shops

Bicycle sales

Book stores

Candy or ice cream stores

Carpet, rug, linoleum or other floor covering stores, limited to 10,000 square feet of #floor area# per establishment

Cigar and tobacco stores

Clothing or clothing accessory stores

Clothing rental establishments

Drug stores

Dry cleaning or clothes pressing establishments or receiving stations dealing directly with ultimate consumers, limited to 2,000 square feet of #floor area# per establishment, and provided that only solvents with a flash point of not less than 138.2 degrees Fahrenheit shall be used, and total aggregate dry load capacity of machines shall not exceed 60 pounds

Dry goods or fabrics stores, limited to 10,000 square feet of #floor area# per establishment

Eating or drinking establishments, including those which provide outdoor table service or have music for which there is no charge and no specified showtime

Eating or drinking establishments with musical entertainment, but not dancing, with a capacity of 200 persons or fewer

Electrolysis studios

Fishing tackle or equipment, rental or sales

Florist shops

Food stores, including supermarkets, grocery stores, meat markets, or delicatessen stores

Furniture stores, limited to 10,000 square feet of #floor area# per establishment

Furrier shops, custom

Gift shops

Hardware stores

Interior decorating establishments, provided that #floor area# used for processing, servicing, or repairs shall be limited to 750 square feet per establishment

Jewelry or art metal craft shops

Laundry establishments, hand or automatic self-service

Leather goods or luggage stores

Loan offices (limited to 40 linear feet of #street# frontage)

Locksmith shops

Medical or orthopedic appliance stores

Meeting halls

Millinery shops

Music stores

Newsstands, open or enclosed

Optician or optometrist establishments

Package liquor stores

Paint stores

Pet shops

Photographic equipment or supply stores

Photographic studios

Picture framing shops

Post offices

Record stores

Seed or garden supply stores

Sewing machine stores, selling household machines only

Shoe or hat repair shops

Shoe stores

Sporting or athletic stores

Stamp or coin stores

Stationery stores

Tailor or dressmaking shops, custom

Telegraph offices

Television, radio, phonograph or household appliance stores,  
limited to 10,000 square feet of #floor area# per  
establishment

Toy stores

Travel bureaus

Typewriter stores

Variety stores, limited to 10,000 square feet of #floor  
area# per establishment

Wallpaper stores

Watch or clock stores or repair shops

C. Offices

\*Offices, businesses, professional or governmental

D. Public Service Establishments

\*Court houses

\*Clubs, non-commercial, without restrictions on activities  
or facilities

Table B

A. Retail or Service Establishments

\*Blueprinting or photostating establishments

\*Business schools or colleges

Carpet, rug, linoleum or other floor covering stores, with  
no limitation on #floor area# per establishment

\*Catering

\*Clothing or costume rental establishments

Department stores

\*Depositories for storage of office records, microfilm, or

computer tapes, or for data processing

Dry goods or fabric stores, with no limitation on #floor area# per establishment

Eating or drinking places, without restrictions on entertainment or dancing but limited to location in hotels

Furniture stores, with no limitation on #floor area# per establishment

\*Gymnasiums, used exclusively for basketball, handball, squash and tennis

\*Medical or dental laboratories for research or testing, or the custom manufacture of artificial teeth, dentures, or plates, not involving any danger of fire or explosion nor offensive noise, vibration, smoke or other particulate matter, odorous matter, heat, humidity, glare or other objectionable effects

\*Motion picture production studios

Musical instrument repair shops

Office or business machine stores, sales or rental (limited to 40 linear feet of #street# frontage)

\*\*#Physical culture or health establishments#, including gymnasiums (not listed under Use Group 9), reducing salons, massage establishments or steambaths, but other than #adult physical culture establishments#

Plumbing, heating, or ventilating equipment showrooms, without repair facilities (limited to 40 linear feet of #street# frontage)

\*Printing establishments, limited to 2,500 square feet of #floor area# per establishment for production

Public auction rooms

\*Radio or television studios

Studios, art, music, dancing or theatrical

Television, radio, phonograph, or household appliance stores, with no limitation on #floor area# per establishment

\*Trade, or other schools for adults, not involving any

danger of fire or explosion nor of offensive noise, vibration, smoke or particulate matter, dust, odorous matter, heat, humidity, glare, or other objectionable effects

Typewriter or other small business machine sales, rental or repairs

Umbrella repair shops

Variety stores, with no limitation on #floor area# per establishment

\*Wedding chapels or banquet halls

B. Wholesale Establishments

\*Hair products for headwear, wholesaling including styling

\*Photographic developing or printing establishments, limited to 2,500 square feet of #floor area# per establishment

\*Ship chandlers

\*Wholesale establishments, with #accessory# storage limited to 2,500 square feet of #floor area# per establishment

\*Wholesale offices or showrooms, with storage restricted to samples

C. Manufacturing Establishments

\*Art needle work, hand weaving, or tapestries

\*Books, hand binding or tooling

\*Ceramic products, custom manufacturing

\*Clothing, custom manufacturing or altering for retail

\*Hair products, custom manufacturing

\*Jewelry manufacturing from precious metals

\*Medical, dental, drafting instruments, optical goods, or similar precision instruments

\*Musical instruments, except pianos and organs

\*Orthopedic or medical appliances, custom manufacturing

\*Printing, custom, limited to 2,500 square feet of #floor area# per establishment for production

\*Watch making

D. #Accessory uses#

\* #Uses# marked with an asterisk (\*) shall not be located within #stories# that have a floor level within five feet of #curb level# unless such #use# is at least 50 feet from the #street wall# of the #building# in which it is located, and with no #show window# facing on the #street#

\*\* #Uses# in Use Group MP marked with a double asterisk (\*\*) are permitted only by special permit of the Board of Standards and Appeals, pursuant to the provisions of Section 73-36

(2/2/11)

**99-032**

**Modifications of use regulations for a community facility**

The mandatory #use# regulations of Section 99-03 (Special Use Regulations) may be modified for a #community facility# provided the City Planning Commission certifies that the treatment of the facade preserves and enhances street life on Madison Avenue compatible with the character of the surrounding area.

(5/12/94)

**99-04**

**Special Bulk Provisions**

For the purposes of this Chapter, the maximum #floor area ratio# on a #zoning lot# shall not exceed 10.0.

(5/12/94)

**99-05**

**Special Height and Setback Regulations**

The height and setback regulations of Sections 23-63, 23-64, 23-65, 24-52, 24-53, 24-54, 33-43, 33-44 and 33-45 shall not apply. In lieu thereof, the height and setback regulations set forth in Sections 99-051 through 99-054, inclusive, shall apply.

(2/2/11)

#### **99-051**

#### **Location, height and setback of street wall**

(a) #Street walls# along Madison Avenue

For #developments# or #enlarged# portions of #buildings# with frontage on Madison Avenue or on a side #street# within 50 feet of its intersection with Madison Avenue, the following regulations shall apply:

(1) The #street wall# of the base of such #building# shall be located on the #street line# or, if there is an existing #abutting building# fronting on the same #street line# that is set back from such #street line#, the #street wall# of the base may be aligned with the #street wall# of the #abutting building# for a distance of not less than 10 feet measured horizontally from the side wall of such #abutting building#. However, such setback distance shall not exceed 15 feet from the #street line#. All #street walls# built pursuant to this paragraph shall extend along the full length of the #street line# and rise vertically without setback for:

(i) not less than 110 feet but not more than 120 feet above #curb level#; or

(ii) the full height of the #building#;

whichever is less.

(2) Above the base, a setback is required for all portions of a #building# which exceed a height of 120 feet above #curb level#. Such setback shall be provided at a height not lower than 110 feet above #curb level#, and shall have a minimum depth of 10 feet from a #wide street line# and a minimum depth of 15 feet from a #narrow street line#.

(3) No portion of a #building# may exceed the height

limitations of Section 99-054 (Maximum building height).

(b) #Street walls# along side #streets#

For #developments# or #enlarged# portions of #buildings# with frontage on a side #street# beyond 50 feet of its intersection with Madison Avenue, the following regulations shall apply:

(1) The #street wall# of the base of such #building# shall be located on the #street line# or, if there is an existing #abutting building# fronting on the same #street line# that is set back from such #street line#, the #street wall# of the base shall be aligned with the #street wall# of the #abutting building# for a distance of not less than 10 feet measured horizontally from the side wall of such #abutting building#. However, such setback distance need not exceed 10 feet from the #street line#. All #street walls# built pursuant to this paragraph shall extend along the full length of the #street line# and rise vertically without setback for:

(i) a height of 60 feet above #curb level#; or

(ii) the height of a #street wall# before setback, if applicable, of that portion of an existing #building# nearest the #development# or #enlargement#, fronting on the same #street line#, and located on the same or an adjoining #zoning lot#;

whichever is higher.

(2) Alternatively, the #street wall# location provisions of paragraph (a) of this Section may apply to the base of a #building# along a side #street# beyond 50 feet of its intersection with Madison Avenue, up to a distance of 70 feet from its intersection with Madison Avenue.

(3) Above the base, a setback is required for all portions of a #building#. Such setback shall have a minimum depth of 10 feet from a #wide street line# and a minimum depth of 15 feet from a #narrow street line#.

(4) No portion of a #building# may exceed the height limitations of Section 99-054 (Maximum building height).

(c) #Street walls# in Historic Districts

For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the minimum base height and #street wall# location regulations of this Section shall be modified as follows:

- (1) The minimum base height of a #street wall# may vary between the height of the #street wall# of an adjacent #building# before setback, if such height is lower than the minimum base height required, up to the minimum base height requirements of this Section.
- (2) The location of the #street wall# of any #building# may vary between the #street wall# location requirements of this Section, and the location of the #street wall# of an adjacent #building# fronting on the same #street line#.

(2/2/11)

**99-052**

**Recesses, balconies and dormers**

(a) Recesses

Recesses are permitted to provide #outer courts#, balconies or articulation of #street walls# at the intersection of two #street lines#. In addition, recesses may be required or prohibited due to the width of the #zoning lot# or the location of the #street wall# of an adjacent #building#. For the purposes of this Section, the provisions of Section 23-842 (Wide outer courts) shall not apply. In lieu thereof, the width of any such #court# shall be at least one and one-third times its depth. All recesses shall be provided in accordance with the following provisions:

- (1) Above a height of 20 feet above #curb level#, or above the level of the second #story#, whichever is lower, up to 30 percent of the #street wall# of a base may be recessed from the #street line#. However, no recesses shall be permitted within 30 feet of the intersection of two #street lines#, unless such recesses are provided within an area bounded by the two #street lines# and a line connecting such #street lines# at points 15 feet from their intersection.
- (2) Where the #development# or #enlarged# portion of a

#building# is adjacent to an existing #building# located on a #zoning lot# having frontage on the same #street line#, no recesses shall be provided in the #street wall# of the #development# or #enlargement# for a distance of 10 feet from the adjacent corner of the existing #building# to a height equal to the height of the existing #building#.

- (3) Except for a #zoning lot# with less than 50 feet of frontage, or a #zoning lot# with less than 100 feet of frontage and located entirely in a Historic District designated by the Landmark Preservation Commission, recesses are required on the #street walls# of #buildings# facing Madison Avenue, in accordance with the following provisions:

(i) above a height of 20 feet above #curb level#, or above the level of the second #story#, whichever is lower, at least 25 percent of the length of the #street wall# of a base at the level of every #story# shall be recessed from the #street line# to a depth of at least five feet. Such recesses shall be unobstructed from their lowest level to the sky; and

(ii) above the base, the #street wall# shall be articulated with recesses that occupy at least 20 percent of the length of the #street wall# at the level of every #story# to a depth of at least five feet. Such recesses shall be unobstructed from their lowest level to the sky.

(b) Balconies

Balconies shall comply with the following provisions:

(1) No balconies shall be permitted to extend beyond the #street wall# of the base built in accordance with the height and setback regulations of Section 99-051 (Location, height and setback of street wall), paragraph (a).

(2) Balconies shall be permitted in recesses that are not required to be unobstructed from their lowest level to the sky.

(c) Dormers

For the purposes of this Section, a dormer shall be a vertical extension of the #street wall# of a base allowed as

a permitted obstruction within a required setback area. A dormer may be located anywhere on a #wide street#, and on a #narrow street# within 70 feet of its intersection with a #wide street#. However, a dormer shall not be located within 10 feet of a #side lot line# unless it fully abuts an adjoining #building#.

On any #street# frontage, the aggregate width of all dormers at the required setback level shall not exceed 60 percent of the width of the #street wall# of the highest #story# of the base. For each foot of height above the base, the aggregate width of all dormers at that height shall be decreased by one percent of the #street wall# width of the highest #story# of the base.

(2/2/11)

#### **99-053**

##### **Special provisions for narrow buildings**

If the width of a #street wall#, built pursuant to Section 99-051 or 99-052, is 45 feet or less, then the #building# shall comply with the provisions of Section 23-692 (Height limitations for narrow buildings or enlargements).

(2/2/11)

#### **99-054**

##### **Maximum building height**

The height of all #buildings or other structures# shall comply with the following provisions:

- (a) Except as otherwise provided in paragraph (b) of this Section, the height of all #buildings or other structures# shall not exceed 170 feet above #curb level#. However, such #buildings or other structures# may exceed 170 feet, to a height of 19 #stories# or 210 feet, whichever is less, provided that the gross area of each #story# located above 170 feet does not exceed 80 percent of the gross area of the #story# directly below it.
- (b) For the purposes of this Section, the Midblock Transition Portion shall be that portion of a #zoning lot# located within the area between 70 feet and 100 feet from the Madison Avenue #street line#, except for a #zoning lot#

which has frontage on a #wide street# not located in a historic district. Within the Midblock Transition Portion, a #building or other structure# shall not penetrate an imaginary plane that begins above a line 100 feet from the Madison Avenue #street line# at a height of 20 feet above the height of a #street wall# built pursuant to Section 99-051, paragraph (b), and rises over the Midblock Transition Portion to a height of 120 feet above #curb level# at a distance of 70 feet from the Madison Avenue #street line#.

(5/8/13)

#### **99-06**

##### **Off-Street Parking Regulations**

Within the portion of the #Special Madison Avenue District# located within the #Manhattan Core#, the provisions of Article I, Chapter 3 (Comprehensive Off-Street Parking and Loading Regulations in the Manhattan Core), inclusive, shall apply. For all other portions of the #Special Madison Avenue District#, the provisions of this Section shall apply.

Where #accessory# off-street parking is provided, in no case shall curb cuts for vehicular access be located on Madison Avenue or on a #street# within 50 feet of its intersection with the #street line# of Madison Avenue. No off-site #accessory# off-street parking facilities for any #use# shall be permitted within the Special District.

(2/2/11)

#### **99-07**

##### **Authorization to Waive Midblock Transition Portion Height Limitation**

For a #zoning lot# in the Upper East Side Historic District, which #zoning lot# also contains a #landmark building# or #style building# to be preserved or, where a #zoning lot# is not located in the Upper East Side Historic District and the #zoning lot# contains a #building# to be preserved which the Landmarks Preservation Commission has designated as a landmark or certifies in a report by the staff or the Commission to be comparable to a #style building#, the City Planning Commission may authorize the waiver of the requirements of Section 99-054 (Maximum building height), paragraph (b), provided the City Planning Commission

finds that:

- (a) the #development# or #enlargement# complies with the goals and purposes of the #Special Madison Avenue Preservation District#, as specified in Section 99-00 (GENERAL PURPOSES);
- (b) the #development# or #enlargement# will not alter either the character of the neighborhood or the character sought to be achieved by the Special District;
- (c) the #development# or #enlargement# will have a harmonious relationship with the #building# to be preserved; and
- (d) the Landmarks Preservation Commission reports that a program for continued maintenance of the #building# to be preserved has been established.