Article IX: Special Purpose Districts
Chapter 9: Special Madison Avenue Preservation District

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Article IX - Special Purpose Districts

Chapter 9
Special Madison Avenue Preservation District

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.

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).
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 photostatting 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-

(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
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 Landmarks 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 parking facilities.

(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.