



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

99-00 - GENERAL PURPOSES

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99-00 - GENERAL PURPOSES

LAST AMENDED

12/20/1973

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

LAST AMENDED

6/6/2024

For purposes of this Chapter, matter in italics is defined in Sections [12-10](#), [32-301](#) or within this Section.

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.

99-02 - General Provisions

LAST AMENDED

10/7/2021

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

For #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section [66-11](#) (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying

Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

99-03 - Streetscape Regulations

LAST AMENDED

6/6/2024

The underlying #ground floor level# streetscape provisions set forth in Section [32-30](#) (STREETSCAPE REGULATIONS), inclusive, shall apply, except that #ground floor level# #street frontages# along Madison Avenue shall be considered #Tier C street frontages# and the provisions set forth in paragraph (d) of Section [32-33](#) (Regulations for Tier C Street Frontages) shall apply regardless of the underlying zoning district.

99-031 - Modifications of use regulations for a community facility

LAST AMENDED

6/6/2024

The regulations of Section [99-03](#) (Streetscape 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.

99-04 - Special Bulk Provisions

LAST AMENDED

10/7/2021

For the purposes of this Chapter, the maximum #floor area ratio# on a #zoning lot# shall not exceed 10.0. However, for #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be granted by the City Planning Commission pursuant to the provisions of Section [66-51](#) (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section [66-11](#) (Definitions).

99-05 - Special Height and Setback Regulations

LAST AMENDED

5/12/1994

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.

99-051 - Location, height and setback of street wall

LAST AMENDED

2/2/2011

(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#.

99-052 - Recesses, balconies and dormers

LAST AMENDED
2/2/2011

(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 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.

99-053 - Special provisions for narrow buildings

LAST AMENDED
2/2/2011

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).

99-054 - Maximum building height

LAST AMENDED
2/2/2011

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#.

99-06 - Off-street Parking Regulations

LAST AMENDED
5/8/2013

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.

99-07 - Authorization to Waive Midblock Transition Portion Height Limitation

LAST AMENDED

2/2/2011

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.