



BUILDINGS BULLETIN 2013-010

Zoning

Supersedes: None

Issuer: James P. Colgate, RA, Esq.
Assistant Commissioner for Technical Affairs and Code Development

Issuance Date: August 12, 2013

Purpose: This bulletin clarifies zoning requirements when establishing yoga studios in buildings or portions thereof.

Related Code/Zoning Section(s): ZR 32-15 ZR 12-10 (definition of "physical culture or health establishments") ZR 73-36
ZR 32-18

Subject(s): Yoga studio; Use group, yoga studio; Physical culture or health establishment, Board of Standards and Appeals (BSA) permit; Zoning Use Group classification (UG); Use Group 6C, Retail / Service Establishment; Use Group 9A, Retail Establishment Studio, art, music, dancing or theatrical

I. Background

Zoning Resolution (ZR) section 12-10 definition states in part,

"A physical culture or health establishment is any establishment or facility, including commercial and non-commercial clubs, which is equipped and arranged to provide instruction, services, or activities which improve or affect a person's physical condition by physical exercise or by massage. Physical exercise programs include aerobics, martial arts or the use of exercise equipment...physical culture or health establishments are only permitted pursuant to the provisions of Section 73-36..."

ZR 73-36 states, in part, that in certain commercial, manufacturing and special districts,

"...the Board of Standards and Appeals may permit physical culture or health establishments as defined in Section 12-10, including gymnasiums (not permitted under Use Group 9) or massage establishments..."

ZR 32-15 classifies certain retail stores under Use Group (UG) 6C

ZR 32-18 classifies certain retail stores under Use Group (UG) 9A

II. Clarification of Zoning Use Group

“Yoga” is typically defined as a series of postures and breathing exercises, which are practiced to achieve control of the body and mind, tranquility, or similar.

Commercial yoga instruction is typically provided in an open floor plan arrangement similar to both a dance studio, UG 9A, which does not require exercise equipment, and similar to a retail or service establishment, meeting hall, UG 6C. Many yoga students are allowed to pay for one class at a time. As a result, yoga studios typically allow walk-in students, similar to the other uses listed in both Use Groups 6 and 9.

Therefore, the Borough Commissioner may classify a commercial yoga studio under zoning UG 6C “Retail / Service Establishment” or UG 9A “Retail Establishment Studio, art, music, dancing or theatrical” using the following conditions as a guide:

- Each individual yoga establishment shall have no more than one student instruction area, with an open floor plan arrangement. This instruction area shall not exceed 1500 square feet. If more than one yoga establishment is located within the same building, then the establishments shall be operated by separate entities and shall not share ownership or facilities.
- The yoga instruction area shall not be a Public Assembly (PA) space, and may at no time have an occupancy capacity that exceeds 74 persons, including the staff and instructors.
- There shall be no accessory showers or bathtubs to the establishment. No showers or bathtubs shall be installed nor utilized by the establishment’s staff or students in the yoga studio or in any other portion of the building.
- The yoga studio shall not be accessory to a “physical culture or health establishment” e.g. a fitness gym or any similar facility requiring a BSA permit, nor shall a physical culture or health establishment be accessory to a yoga studio.

Where the Borough Commissioner finds the subject establishment meets the definition of a Physical Culture Establishment per ZR 12-10, a BSA special permit is required per ZR 73-36.