

**Health and Fitness Establishment Zoning Resolution Text Change
April 12, 2022**

Gyms, martial arts studios, licensed massage therapy, and many other health-related businesses have long required special permits from the Board of Standards and Appeals (the “Board”) to open in most parts of New York City as “physical culture establishments” pursuant to Section 73-36 of the Zoning Resolution. The Department of City Planning proposed amendments to the Zoning Resolution to remove the requirement for health and fitness facilities to receive a special permit from the Board ([N 210382 ZRY](#)) (the “Health and Fitness Text Amendment”).

On December 9, 2021, the City Council adopted the Health and Fitness Text Amendment subject to a four-month challenge period that ends on April 9, 2022.

The Health and Fitness Text Amendment categorizes all facilities dedicated to physical fitness and health, limited to 10,000 square feet of floor area per establishment, as Use Group 6 and Use Group 14. This includes gyms, spas, and other facilities with activities designed to promote physical fitness. Through this framework, the Use Group 6 use would be permitted as-of-right in C1, C2, C4, C5, C6 and C8 districts and in M1, M2 and M3 districts and the Use Group 14 use would be permitted in C2, C3, C7 and C8 districts. The action would categorize all facilities dedicated to physical fitness and health, with no limitation of floor area per establishment, as Use Group 9. This includes gyms, spas, and other facilities with activities designed to promote physical fitness. These uses would be permitted as-of-right in C2, C4, C5, C6, and C8 districts; M1, M2, and M3 districts; and high-density C1 districts (C1-8, C1-9, and C1 overlays mapped with R9 or R10 districts). The distinction between facilities that are limited in floor area to 10,000 square feet and those that are unlimited in size is consistent with existing regulations in the Zoning Resolution for other retail and service establishments. You are advised to check the appropriate sections in the Zoning Resolution to verify whether the use and the area of the use is permitted as-of-right on your property.

As of April 9, 2022, the Board no longer retains jurisdiction over “physical culture establishment” special permits granted pursuant to Section 73-36 of the Zoning Resolution and cannot consider new or modified approvals under that section.

If you have any questions, please contact the Board’s Executive Director, Carlo Costanza, at 212-386-0068 or ccostanza@bsa.nyc.gov.