

**ORDINANCE NO. 2026-15 (1300)**

**AN ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 90 (ZONING) OF THE CODE OF THE BOROUGH OF LAVALLETTE TO PERMIT FITNESS FACILITIES AND INSTRUCTIONAL STUDIOS IN THE B-1 BUSINESS DISTRICT AND THE B-2 DOWNTOWN BUSINESS DISTRICT, AND TO ESTABLISH OFF-STREET PARKING STANDARDS FOR SUCH USES**

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**WHEREAS**, the Borough of Lavallette is authorized to adopt, amend, and enforce zoning regulations pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 *et seq.*; and

**WHEREAS**, Chapter 90 of the Code of the Borough of Lavallette identifies the permitted uses within each zoning district, and the schedule of permitted uses in the B-1 Business District and the B-2 Downtown Business District presently enumerates retail, office, and restaurant uses, together with residential uses on the second floor under specified conditions, but does not expressly enumerate fitness facilities, yoga studios, dance studios, martial arts studios, or comparable personal service and instructional uses; and

**WHEREAS**, Chapter 90 is permissive in its construction, and any use not expressly designated as permitted within a particular zoning district is prohibited unless a use variance is granted pursuant to N.J.S.A. 40:55D-70(d); and

**WHEREAS**, the Mayor and Council have considered the changing character of personal service and wellness establishments along the Jersey Shore and within similarly situated downtown business districts, and have determined that fitness facilities and instructional studios, when appropriately defined, scaled, and conditioned, are compatible with the existing retail, office, and restaurant character of the B-1 Business District and the B-2 Downtown Business District and serve the convenience and welfare of the Borough's residents, property owners, and visitors; and

**WHEREAS**, the Mayor and Council have further determined that the addition of such uses to the permitted-use schedule should be accompanied by definitions of the new uses, off-street parking standards specific to those uses, and supplemental conditions appropriate to the limited on-street parking capacity and pedestrian character of the downtown business area; and

**WHEREAS**, this Ordinance has been referred to the Planning Board of the Borough of Lavallette for review and report pursuant to N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64, and the Planning Board has [issued / not yet issued] its report;

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Lavallette, County of Ocean, State of New Jersey, as follows:

**Section 1. Amendment to § 90-5 (Definitions).**

Section 90-5 of the Code of the Borough of Lavallette is hereby amended to add the following definitions, to be inserted in alphabetical order:

**FITNESS FACILITY** — An establishment in which instruction, training, or facilities are provided for individual or group physical fitness, exercise, conditioning, or wellness activities, including but not limited to yoga, Pilates, barre, spin or cycling, aerobics, calisthenics, weight training, personal training, mixed martial arts (instructional only), boxing or kickboxing (instructional only), and similar physical-conditioning activities. A fitness facility shall not include any establishment in which the principal activity is the sale of food or beverages for on-premises consumption, any nightclub or entertainment venue, any gaming establishment, or any adult-oriented use prohibited under this chapter.

**INSTRUCTIONAL STUDIO** — An establishment in which instruction is provided in the arts, music, dance, performance, photography, or similar creative or recreational disciplines, on a class, group, or appointment basis, and in which retail sales, if any, are clearly incidental and ancillary to the instructional activity. The term includes, by way of example and not limitation, dance studios, music instruction studios, martial arts studios that do not constitute fitness facilities under the preceding definition, art studios offering instruction, and meditation studios. The term does not include any establishment in which the principal activity is the sale of food or beverages for on-premises consumption, any nightclub or entertainment venue, any gaming establishment, or any adult-oriented use prohibited under this chapter.

**Section 2. Amendment to Article IX (Business District).**

Article IX of Chapter 90 Section 55 B-1 Business District of the Code of the Borough of Lavallette, governing the B-1 Business District, is hereby amended to add fitness facilities and instructional studios to the schedule of permitted uses, as follows: (**bold indicates new language**)

**A. Permitted principal uses and buildings**

1. In each 50 feet of frontage on NJ Route 35 North in the B-1 Business District, there shall be permitted residential use only or retail, office, restaurant, **fitness facility, or instructional studio uses**, and a retail, office, restaurant or residential use on the second floor, but there shall not be any mix of uses on the second floor. Permitted residential uses in mixed-use buildings may only be located on the second floor when retail, office or other commercial uses are located on the first floor.

a. Retail, office, **fitness facility, or instructional studio uses** shall be housed in no more than one building, and each retail unit shall contain a minimum of 500 square feet. The retail, **fitness facility, or instructional studio** units per fifty-foot frontage may be occupied in a building of no more than 3,500 square feet of floor area, including all necessary common functions such as HVAC equipment, storage, restrooms, accessways, stairways and/or elevators. Other business or residential uses may be located as defined in Subsection A(1)(b) through (f), which follow.

**Section 3. Amendment to Article IX (Business District ).**

Article IX of Chapter 90 Section 56 Downtown Business District of the Code of the Borough of Lavallette, governing the B-2 Downtown Business District, is hereby amended to add fitness facilities and instructional studios to the schedule of permitted uses, as follows: **(bold indicates new language)**:

A. Permitted principal use and buildings

1. In each 50 feet of frontage on NJ Route 35 North in the B-2 Downtown Business District, there shall be retail, office, restaurant, **fitness facility, or instructional studio uses** on the ground floor, and retail, office, restaurant or residential uses on the second floor, but there shall not be any mix of uses on the second floor. Residential uses may only be located on the second floor when retail, office or other commercial uses are located on the first floor. Residential use only shall not be permitted in the B-2 Downtown Business District..

a. Retail, office **fitness facility, or instructional studio uses** shall be housed in no more than one building, and each retail unit shall contain a minimum of 500 square feet. The retail, **fitness facility, or instructional studio** units per fifty-foot frontage may be occupied in a building of no more than 3,500 square feet of floor area, including all necessary common functions such as HVAC equipment, storage, restrooms, accessways, stairways and for elevators. Other business or residential uses may be located as defined in Subsection A(1)(b) and (c), which follow.

**Section 4. Planning Board Referral.**

This Ordinance has been referred to the Planning Board of the Borough of Lavallette for review and report pursuant to N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Mayor and Council have considered the report of the Planning Board, where issued, prior to final adoption of this Ordinance.

**Section 5. Repealer.**

All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency. Except as specifically amended hereby, Chapter 90 of the Code of the Borough of Lavallette shall remain in full force and effect.

**Section 6. Severability.**

If any section, subsection, paragraph, sentence, clause, phrase, or provision of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

**Section 7. Effective Date.**

This Ordinance shall take effect upon final passage and publication as provided by law.

**NOTICE**

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**NOTICE IS HEREBY GIVEN** that the foregoing ordinance was introduced and passed by the Borough Council on first reading at a meeting held on the May 18, 2026. It was further considered for second reading and final passage at a meeting of the Borough Council held on the 1<sup>st</sup> day of June 2026 at 7:00 pm at the Council Chambers in the Municipal Building Complex located at 1306 Grand Central Avenue, Lavallette, New Jersey at which time and place persons desiring to be heard upon the same were given the opportunity to be heard.

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Donnelly Amico  
Municipal Clerk