

**TOWNSHIP OF TOMS RIVER**  
**ZONING OFFICE**  
**DECK CONSTRUCTION**

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In addition to any other restrictions which may be required by other Federal, State and local laws, deed covenants, and homeowners associations, the following 1993 BOCA Codes and Toms River Township Land Use and Development Regulations must be adhered to in order to obtain zoning approval for the construction of decks.

1. All decking constructed thirty (30") inches or greater above ground level must contain a guardrailing.
2. All guardrailings shall be at least thirty-six (36") inches high for Use Group R-3 and 42" for other uses.
3. Gap between balusters shall not exceed four (4") inches.
4. Unroofed decks which do not rise above the height of the floor level of the ground floor may extend into any yard, provided that the total area of such decks which extend into such yards does not exceed one thousand (1,000 s.f.) square feet (Section 348-5.5 C.).
5. Roofed decks may not extend into the setback areas (Section 348-5.5.C.).
6. Decks which rise above the height of the floor level of the ground floor may not extend into the setback areas. All second or third floor decks/balconies may not extend into the setback area for the particular zone (Section 348-5.5.C.).
7. No railing shall exceed forty-eight (48") inches in height above ground level when located in a front yard area (Section 348-8.13 A.).
8. No railing constructed within twenty (20') feet of the water's edge of any stream, lake, lagoon or other body of water shall exceed four (4') feet in height above - ground level (Section 348-5.5 D. & 348-8.13 A.).

9. All railings situated in a front yard or within twenty (20') feet of a body of water shall be open, i.e. two thirds (2/3) of the area, between grade level and the top cross member, shall be open (Section 348-8.13 A.). Plans/design drawings for guardrail systems constructed with balusters in these setback locations must show that the gap between balusters will be twice as wide as the balusters.
10. No railing shall exceed six (6') feet in height above ground level when located in any side or rear yard areas (Section 348-8.13 A.).
11. On any residential parcel having an area of less than two thousand (2,000 s.f.) square feet or on any parcel contiguous to a parcel having an area of less than two thousand (2,000 s.f.) square feet, only 2/3 (66%) open railings not exceeding thirty-six (36") inches in height above ground level may be erected in any front, side or rear yard areas. See Section 348-8.13 (A) (4) of the Land Use and Development Regulations of the "Code of the Township of Toms River."
12. Decks 36" above grade in the R-75, R-90 and R-100 Residential Zones are subject to a "Maximum Lot Coverage by Buildings" limitation of 30%. Decks 36" above grade in the R-50, Residential Zone are subject to a "Maximum Lot Coverage by Buildings" limitation of 35%. In these zones decks less than 36" above grade are not subject to the limitation. For lots up to 2000 square feet in the R-40A and R-40B zones the maximum lot coverage is 47 1/2%. For lots over 2000 square feet in area in the R-40A and R-40B zones the maximum lot coverage allowed is 950 square feet plus 25% of the lot area over 2000 square feet.
13. Handrails are required at steps when three (3) or more risers are provided. Handrails must be 34 to 38 inches above the treads of the steps. Handrails must have a grip size of 1 1/2 to 2 inches.
14. All steps shall have closed risers and be at least three (3) feet wide. The maximum riser height shall be 8 1/4 inches and all risers must be consistent in height. Treads must be a minimum of ten (10) inches deep with a one (1") inch nosing.
15. Zoning permit and UCC permit applications must be filed in the Zoning Office. Please see "Zoning Permit Instructions" handout for information in this regard. A UCC permit from the "Permit and Inspection" (Building Department) office in Town Hall is required prior to deck construction.
16. A plan of the deck construction details and a survey marked to show the location of the deck must accompany the UCC application.
17. The plans submitted must show a cross section of the deck indicating the height of the deck above grade, the height of any guardrails above the deck, and the specifications for the steps, including any handrail.

18. The plans must also show the size, width and depth, and spacing of the footings, the size, spacing and direction of joists, girders and decking, as well as the method of attachment, if any, to the dwelling. The specifications for the guardrails and handrails, baluster dimensions, and space between balusters must be shown. (see number 9 above)
19. The plan must show whether the deck is below at or above the height of the floor level of the ground floor of the house.
20. UCC permit fees are based on the cost of the deck and are approximately \$45.00 in amount. The Zoning permit fee is \$50.00.
21. There is an added tax assessment resulting from the value added to your home after deck construction.
22. Submission of complete, detailed and legible plans will expedite review by the Zoning Officer and Building Department. Please see the "Zoning Permit Instructions" handout for additional information in this regard.
23. A footing inspection is required prior to concrete pour.
24. A final inspection is required upon completion of deck.
25. Inspections must be requested 24 hours in advance.

Last Revised 7/28/10