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[§ 348-10.15. R-40A Residential Zone.](#)

A. Permitted uses.

(1) Single-family dwellings.

(2) Federal, state, county and municipal buildings and grounds, including schools, parks and playgrounds, but not workshops, warehouses, garages and storage yards.

(3) Private and parochial schools not operated for profit.

(4) Essential services.

(5) Community residences for the developmentally disabled, community shelters for victims of domestic violence, community residences for the terminally ill, community residences for persons with head injuries and adult family care homes for elderly persons and physically disabled adults.

[Added 4-11-1990 by Ord. No. 2729-90; amended 11-26-2002 by Ord. No. 3748-02]

B. Required accessory uses.

(1) Off-street parking subject to the provisions of § [348-8.20](#).

C. Permitted accessory uses.

(1) Fences subject to the provisions of § [348-8.13](#).

(2) Private swimming pools subject to the provisions of § [348-8.21](#).

(3) Signs subject to the provisions of § [348-8.26](#).

(4) Other customary accessory uses and buildings which are clearly incidental to the principal use and building.

D. Conditional uses subject to the provisions of Article IX of this chapter:

[Amended 12-26-1978 by Ord. No. 1801; 4-8-1986 by Ord. No. 2389-86]

(1) Churches and places of worship (§ [348-9.5](#)).

(2) Public utilities (§ [348-9.6](#)).

(3) Home professional offices (§ [348-9.11](#)).

(4) Quasi-public and private club recreation areas (§ [348-9.18](#)).

(5) (Reserved) Editor's Note: Former Subsection D(5), Community residences for the developmentally disabled, was repealed 11-26-2002 by Ord. No. 3748-02.

(6) (Reserved) Editor's Note: Former Subsection D(6), Community shelters for victims of domestic violence, added 4-11-1990 by Ord. No. 2729-90, was repealed 11-26-2002 by Ord. No. 3748-02.

E. Area, yard and building requirements.

(1) Minimum lot area: 4,000 square feet.

(2) Minimum lot width: 40 feet.

(3) Minimum lot frontage:

(a) Interior lot: 40 feet.

(b) Corner lot: 90 feet on both streets.

(4) Minimum lot depth: 100 feet.

(5) Front yard setbacks.

[Amended 5-13-1992 by Ord. No. 2911-92; 2-22-1995 by Ord. No. 3084-95; 9-24-1996 by Ord. No. 3196-96]

(a) Minimum front setback: 20 feet unless 50% or more of the lots within 200 feet on the same side of the street are developed, then the minimum front setback shall be the average front setback of all principal buildings within 200 feet on the same side of the street but shall not be less than 15 feet or required to exceed 30 feet. In the event that the lot shall have a depth of less than 50 feet, then the minimum front setback shall be the average front setback of all principal buildings fronting on the same street and within the same block.

(b) Maximum front yard setback: For construction other than additions and/or alterations, the maximum principal building front yard setback shall be no more than 10 feet greater than the minimum front yard setback determined in accordance with the above provisions.

(6) Minimum rear yard setback:

(a) Principal buildings: 20 feet, except that on lots having a depth of less than 70 feet, the minimum rear yard setback shall be the average rear setback of all existing dwellings fronting on the same street within the same block.

[Amended 2-22-1995 by Ord. No. 3084-95; 11-9-2004 by Ord. No. 3916-04]

(b) Accessory buildings: eight feet.

(c) Private swimming pools: eight feet.

(7) Minimum side yard setback:

(a) Principal buildings: four feet with two combined side yards not less than 12 feet.

(b) Accessory buildings: four feet.

(c) Private swimming pools: four feet.

(7.1) Maximum lot coverage by building:

[Added 12-9-2003 by Ord. No. 3843-03; amended 10-26-2004 by Ord. No. 3909-04; 12-18-2007 by Ord. No. 4123-07]

| Lot Area<br>(square feet) | Coverage<br>(percentage)  |
|---------------------------|---|
| Up to 2,000               | 47 1/2%   |
| Over 2,000                | 950 square feet plus 25% of the lot area over 2,000 square feet |

(8) Maximum building height: 35 feet subject to the provisions of § [348-5.12](#). In any event, the building shall not contain more than three usable floor levels counted vertically at any point in the building above the grade level as determined by the average grade elevation of the corners of the building.

(9) (Reserved) **Editor's Note: Former Subsection E(9), Minimum gross habitable floor area, was repealed 11-9-2004 by Ord. No. 3917-04.**

(10) In this zone, notwithstanding limitations imposed by other provisions of this chapter, a single-family dwelling and customary accessory buildings may be erected on a parcel existing at the date of adoption of this chapter, which parcel shall have a width of not less than 40 feet, a depth not less than 70 feet and an area not less than 4,000 square feet, provided that:

(a) Such parcel shall consist of a single lot which is not contiguous to other lots in the same ownership; or

(b) Such parcel shall consist of all the contiguous lots that are in the same ownership; or

(c) If such parcel consists of a single lot contiguous to another lot or lots in the same ownership, the lot comprising the parcel shall have been created by a subdivision previously granted approval by the Toms River Township Planning Board; and

(d) The yard dimensions and other requirements not involving area, depth or width shall conform to the regulations for the R-40A Residential Zone, except that corner lots may have a reduced lot frontage on one street of not less than 40 feet.

[Amended 8-22-1978 by Ord. No. 1775]

(11) Subject to the provisions of Subsection [E\(10\)\(a\)](#), [\(b\)](#), [\(c\)](#) and [\(d\)](#) above, a single-family dwelling and customary accessory buildings may be erected on a parcel existing at the date of adoption of this chapter in accordance with the following:

[Amended 12-12-1990 by Ord. No. 2775-90]

(a) In Blocks 1088, 1088.01, 1090, 920.08 (Lots 57 through 67 only), 920.09 (Lots 1 through 15 odd only), 1089 (Lots 10 through 97 and 108 through 114 only), 1090.01 (Lots 10 through 18 and 20 through 30 only), 1090.02 (Lots 2 through 9 and 31 through 47 only) and 1091 (Lots 2 through 19, 21 through 31, 34 through 53 and 57 through 115 only): on any parcel having a width of not less than 50 feet or a depth of not less than 38 feet, provided that said parcel shall contain a minimum of 2,280 square feet.

(b) On Chadwick Beach Island: on any parcel having a minimum of 3,500 square feet.

(c) In Blocks 1087 and 1087.01: on any parcel having a width of not less than 50 feet or a depth of not less than 57 feet, provided that said parcel shall contain a minimum of 2,850 square feet.

(d) In Blocks 921.14, 921.15, 921.11 (Lots 4 through 12 only), 921.12 (Lots 3 through 12 only) and 921.13 (Lots 1 through 15 only): on any parcel having a width of not less than 40 feet or a depth of not less than 57 feet, provided that said parcel shall contain a minimum of 3,200 square feet.

(e) In Blocks 920.09 (Lots 4 through 14 even only), 920.10 (Lots 3 through 14 only) and 920.11 (Lots 3 through 13 only): on any parcel having a depth of not less than 57 feet and an area of not less than 4,000 square feet.

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