Garden-Type Utility Sheds and Similar Structures – Clarification

On April 20, 2009, the Department repealed N.J.A.C. 5:23-9.9, Foundation systems for garden type utility sheds and similar structures. The provisions of this section were moved within the applicable chapters of the building and one-and two-family dwelling subcodes. Therefore, the exceptions in Section 1805.2 of the International Building Code/2006 (IBC/2006) and Section R403.1.4 of the International Residential Code/2006 (IRC/2006) have been modified to reflect old N.J.A.C. 5:23-9.9. Both the IBC/2006 and IRC/2006 allow free standing storage-type buildings to be built without a foundation to frost-depth as long as the building meets the following three conditions:

1) The building presents a low hazard to human life in the event of failure; these include, but are not limited to, agricultural buildings, temporary buildings, and minor storage facilities;
2) The building an area of 600 square feet or less for light framed construction (LFC), or 400 square feet or less for other than light-framed construction (OTLFC); and
3) The building has an eave height of 10 feet or less. However, unlike old N.J.A.C. 5:23-9.9, footings were required in all cases to be at least 12 inches in depth. A brief summary follows (all 10 feet or less in height):
   - 100 ft^2 or less – footings of 12 inches deep not required provided the structures do not contain utility connections and are of sufficient weight to remain in place or be anchored to the ground (like old N.J.A.C. 5:23-9.9(a))
   - More than 100 ft^2 up to 200 ft^2 – footings of 12 inches deep not required provided the structures are dimensionally stable without the foundation system and do not contain utility connections. A structure shall be considered dimensionally stable if it is provided with a floor system that is tied to the walls of the structure such that it reacts to loads as a unit. These structures shall be of sufficient weight to remain in place or shall be anchored to the ground (like old N.J.A.C. 5:23-9.9(b))
   - Buildings of more than 200 ft^2 up to 600 ft^2 LFC or 400 ft^2 OTLFC – Footings of 12 inches deep required
   - Buildings of more than 600 ft^2 LFC or 400 ft^2 OTLFC – Footings to frost required

Garden-type utility sheds require a construction permit for building work unless the structure is 100 square feet or less in area, and 10 feet or less in height, and accessory to buildings of Group R-2, R-3, R-4, or R-5, and does not contain a water, gas, oil or sewer connection. A construction permit for electrical work shall be required, when applicable (N.J.A.C. 5:23-2.14(b)8).

For commercial farm buildings, the permit requirements are slightly different. As per N.J.A.C. 5:23-3.2(d)6, Garden-type utility sheds and similar structures are exempt from permit requirements provided the structure is 200 square feet or less in area, 10 feet or less in height, has no utility (water, gas, oil, sewer or electric) connections and the shed is dimensionally stable without the foundation system. A shed is to be considered dimensionally stable if it is provided with a floor system that is tied to the walls of the structure such that it reacts to loads as a unit. Also, as per N.J.A.C. 5:23-3.4(b)5, a three-sided turn-out shed used to shelter livestock is exempt from permit requirements provided there is no permanent foundation or floor and provided the structure is 250 square feet or less in area, and 14 feet or less in height, and has no utility (water, gas, oil, sewer or electric) connections. In both cases, the structure has to be of sufficient weight to remain in place or has to be anchored to the ground (concrete is not be required for anchoring).

Source: Rob Austin
Code Assistance Unit