



ZONING MEMORANDUM

February 20, 2025

Prepared for
Town of Howey-in-the-Hills
Attn: Sean O'Keefe, Town Manager



Research:

Swimming Pool, Deck, and Screen Enclosure Setback Regulations

Project Description and Background:

At the January 23, 2025 Planning and Zoning Board meeting, the Board requested that we research and prepare a briefing on alternative setback requirements that the Town may consider. The Land Development Code (LDC) currently requires a 10-foot setback standard for swimming pools, decks, and screen enclosures.

Variance requests continue to come before the Board, seeking setbacks less than ten feet. There are different reasons for these requests but some of them are identified here:

- Some properties are located within Planned Unit Developments (PUDs) where the building setbacks for the house are less than 10 feet and the applicant wants the pool screen, deck to be in line with the house. If a different setback is not defined in the PUD for these structures, then they must follow the 10-foot setback requirement in the LDC.
- An error has been made in the past by reviewers that have not been applying the Town's LDC to pool, deck, and enclosure reviews.
- Applicants believe Lake County has a less strict requirement and the Town should have the same. The County's setbacks are detailed below.

Below is a sampling of other jurisdictions within Lake County and their standards for regulating swimming pools, decks, and screen enclosures. In each jurisdiction, the standards vary based on the specific zoning districts. Agricultural districts have not been included because these districts were found to require setbacks greater than 10 feet. The information below is speaking to low density and medium density residential zoning districts.



Lake County- Swimming pool setbacks are measured from the edge of deck or enclosure. The County Code states that the minimum setback is five feet from the property line, or the setback required by the zoning district, whichever is greater. In the R1 and R2 (low density) Zoning Districts (not in a joint planning area) the required setbacks are 10 feet for both the side and rear. For the R4, R6, RP, and RM (medium density/ mixed use) the required setbacks are 5 feet for the side and rear. (Lake County LDC Table 3.02.05 — Setback Requirements)

Minneola- Swimming pools, decks, and screen enclosures are required to meet the same side setback as the principal structure. As an example, in the RSF-1 Zoning District, the side setback is 10 feet. A 10-foot rear setback is required unless the lots are 50' X 110' or smaller. Then a 5-foot rear setback only applies. (Minneola LDC Sec. 102-85(12), RSF-1 District Regulations)

Tavares- The side setback has a range from 7.5 feet to 15 feet, depending on the applicable zoning district. The required rear setback is 5 feet. (Tavares LDC Sec 8-11(D)(1)(i))

Mount Dora- The side setback has a range from 7 feet to 20 feet, depending on the applicable zoning district. The required rear setback is 5 feet. (Mount Dora LDC Sec. 3.5.8(10))

Montverde- The pool and deck must meet the district building setback requirements. The typical side setback for residential districts is 7.5 feet and the typical rear setback is 25 feet, depending on the applicable zoning district. For screen enclosures only, the required side and rear setback is 7.5 feet. (Montverde LDC Sec. 4-241(b)and (e))

Findings:

Based on the above information, the 10-foot setback currently in the Howey-in-the-Hills LDC is reasonable compared to other jurisdictions' regulations in Lake County. One thing the Town may consider is applying a reduced setback for smaller lots such as Minneola has done or require that the swimming pools, decks, and screen enclosures meet the applicable zoning district building setbacks. This may be appropriate for some of the Planned Unit Development (PUD) zoning districts that have smaller setbacks for the principal structure like in Talichet with a 5.5 side setback and a rear 15-foot setback. Most PUDs are silent on swimming pool setbacks, which means they are required to follow the standard 10-foot setbacks defined in the LDC.