

**ORDINANCE NO. 2025-004**

**AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PERTAINING TO THE USE OF LAND; PROVIDING FINDINGS; AMENDING PARAGRAPHS 2.02.04.D.10, 2.02.14.D.8, 2.02.15.D.8, 2.03.03.B.10, 5.01.08.B.1, 5.01.08.B.2, 5.01.08.B.3, 5.01.08.F.2, AND 5.01.08.F.1, AND SUBSECTION 5.01.08.D OF THE TOWN'S LAND DEVELOPMENT CODE, AND ADDING NEW SUBSECTION 5.01.08.G TO LAND DEVELOPMENT CODE, ALL OF WHICH RELATE TO ALLOWABLE SETBACKS FOR RESIDENTIAL POOLS; PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.**

**Be it ordained by the Town Council of the Town of Howey-in-the-Hills, Florida:**

**Section 1. Findings.** In adopting this ordinance, the Town Council of the Town of Howey-in-the-Hills, Florida finds and declares the following:

- (1) Howey-in-the-Hills' current Land Development Code requires certain minimum side and rear setbacks for pools and pool enclosures.
- (2) The proposed amendments to the Land Development Code will reduce, rather than increase, the minimum side and rear setbacks for pools and pool enclosures, and therefore are not more restrictive or burdensome on landowners.
- (3) The proposed amendments to the Land Development Code set forth in Sections 2-9 of this ordinance are consistent with Florida Statutes. It is in the interest of the citizens, residents, and property owners of the Town to enact the amendments to the Town's Land Development Code contained in Section 2 of this ordinance.

**Section 2. Amendments to paragraph 2.02.04.D.10 of the Land Development Code of the Town of Howey-in-the-Hills.** Paragraph 2.02.04.D.10 of the Land Development Code is hereby amended as follows (words that are underlined are additions; words that are ~~stricken~~ are deletions):

**2.02.04            Medium Density Residential 1 (MDR-1)**

\* \* \*

**D.        Dimensional Criteria**

\* \* \*

10. Minimum rear yard setback is 30 feet for principal dwelling, detached garage, or accessory dwelling. Rear yard setback for sheds, workshops, ~~pools~~, play structures, and other similar accessory structures is 10 feet.

\* \* \*

**2.02.04 Medium Density Residential 2 (MDR-2)**

\* \* \*

D. Dimensional Criteria

\* \* \*

10. Minimum rear yard setback is 25 feet for principal dwelling, detached garage, or accessory dwelling. Rear yard setback for sheds, workshops, ~~pools~~, play structures, and other similar accessory structures is 10 feet.

**Section 3. Amendments to 2.02.14.D.8 of the Land Development Code of the Town of Howey-in-the-Hills.** Paragraph 2.02.14.D.8 of the Land Development Code is hereby amended as follows (words that are underlined are additions; words that are ~~stricken~~ are deletions):

**2.02.14 Town Center Residential (TC-R)**

\* \* \*

D. Dimensional Criteria

\* \* \*

8. Minimum rear yard setback is 30 feet for principal dwelling, detached garage, or accessory dwelling. Rear yard setback for sheds, workshops, ~~pools~~, play structures, and other similar accessory structures is 10 feet.

**Section 4. Amendments to 2.02.15.D.8 of the Land Development Code of the Town of Howey-in-the-Hills.** Paragraph 2.02.15.D.8 of the Land Development Code is hereby amended as follows (words that are underlined are additions; words that are ~~stricken~~ are deletions):

**2.02.15 Town Center Flex (TC-F)**

\* \* \*

D. Dimensional Criteria

\* \* \*

8. Minimum rear yard setback is 30 feet for principal dwelling, detached garage, or accessory dwelling. Rear yard setback for sheds, workshops, ~~pools~~, play structures, and other similar accessory structures is 10 feet.

**Section 5. Amendments to 2.03.03.B.10 of the Land Development Code of the Town of**

**Howey-in-the-Hills.** Paragraph 2.03.03.B.10 of the Land Development Code is hereby amended as follows (words that are underlined are additions; words that are ~~stricken~~ are deletions):

**2.03.03 Townhomes**

\* \* \*

**B. Dimensional Criteria**

\* \* \*

10. Minimum rear yard setback is 25 feet for principal dwelling, detached garage, or accessory dwelling. Rear yard setback for sheds, workshops, ~~pools~~, play structures, and other similar accessory structures is 10 feet.

**Section 6. Amendments to paragraphs 5.01.08.B.1, 5.01.08.B.2, and 5.01.08.B.3 of the Land Development Code of the Town of Howey-in-the-Hills.** Paragraphs 5.01.08.B.1, 5.01.08.B.2, 5.01.08.B.3 of the Land Development Code are hereby amended as follows (words that are underlined are additions; words that are ~~stricken~~ are deletions):

**5.01.08 Swimming Pools and Pool Enclosures**

\* \* \*

B. A screen enclosure may be installed instead of, or in addition to, a fence or wall, provided that the screen enclosure meets all the following requirements:

1. A pool screen enclosure shall be set back from the side lot line equal to the side setback required for the principal structure on the property or a minimum of ten (10)-feet, whichever is less;
2. A pool screen enclosure shall not be closer than ten ~~(10)~~ feet to the rear lot line, unless the property is 9,600 square feet in area or smaller. Pool screen enclosures located on lots with an area of 9,600 square feet or smaller shall maintain a five-foot setback from the rear property line; and
3. A pool screen enclosure shall not exceed twenty-five ~~(25)~~-feet or the height of the principal structure, whichever is lower.

**Section 7. Amendments to subsection 5.01.08.D of the Land Development Code of the Town of Howey-in-the-Hills.** Subsection 5.01.08.D of the Land Development Code are hereby amended as follows (words that are underlined are additions; words that are ~~stricken~~ are deletions):

**5.01.08 Swimming Pools and Pool Enclosures**

\* \* \*

D. Pool equipment may be located within the side yard setback, but not closer than ~~five (5) feet to side yard and ten (10) feet to the rear yard lot property line~~lines, unless the property is 9,600 square feet in area or smaller. Pool equipment on lots with an area of 9,600 square feet or smaller shall maintain a five-foot setback from the rear property line.

**Section 8. Amendments to paragraphs 5.01.08.F.2 and 5.01.08.F.3 of the Land Development Code of the Town of Howey-in-the-Hills.** Paragraphs 5.01.08.F.2 and 5.01.08.F.3 of the Land Development Code are hereby amended as follows (words that are underlined are additions; words that are ~~stricken~~ are deletions):

**5.01.08 Swimming Pools and Pool Enclosures**

\* \* \*

F. Pools and pool decks shall meet the following setbacks:

\* \* \*

2. The minimum side setback shall be equal to the side setback required for the principal structure on the property or ten (10) feet from the side lot line,  
whichever is less; and

3. The minimum rear setback shall be not less than ten feet from the rear lot line,  
unless the property is 9,600 square feet in area of smaller. Swimming pools,  
associated decks, and patios, with or without screen enclosures, to be located on  
lots with an area of 9,600 square feet or smaller shall maintain a five-foot setback  
from the rear property line.

**Section 9. Addition of new subsection 5.01.08.G to the Land Development Code of the Town of Howey-in-the-Hills.** Subsection 5.01.08.G is hereby added to the Land Development Code as follows (words that are underlined are additions; words that are ~~stricken~~ are deletions):

**5.01.08 Swimming Pools and Pool Enclosures**

\* \* \*

G. Pools, pool decks, pool equipment, and screen enclosures shall not be located within an easement.

**Section 10. Codification.** The amendments to the Land Development Code in this ordinance are to be codified in the Land Development Code and posted on the Town's website accordingly.

**Section 11. Severability.** If any provision or portion of this ordinance is declared by a court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions of this ordinance shall remain in full effect. To that end, this ordinance is declared to be severable.

**Section 10. Effective Date.** This ordinance takes effect immediately upon enactment.

**ORDAINED AND ENACTED** this \_\_\_\_ day of \_\_\_\_\_, 2025, by the Town Council of the Town of Howey-in-the-Hills, Florida.

**TOWN OF HOWEY-IN-THE-HILLS,  
FLORIDA**

By: its Town Council

By: \_\_\_\_\_  
Hon. Graham Wells, Mayor

**ATTEST:**

**APPROVED AS TO FORM AND LEGALITY**  
(for the use and reliance of the Town only)

\_\_\_\_\_  
John Brock, Town Clerk

\_\_\_\_\_  
Thomas J. Wilkes, Town Attorney

First Reading held \_\_\_\_\_, 2025

Second Reading and Public Hearing held \_\_\_\_\_, 2025

Advertised \_\_\_\_\_, 2025, and \_\_\_\_\_, 2025