

**CITY OF LAYTON, FLORIDA
ORDINANCE NO. 26-05-01**

AN ORDINANCE OF THE CITY OF LAYTON, MONROE COUNTY, FLORIDA, AMENDING CHAPTER 114 (“FLOOD DAMAGE PREVENTION”) OF THE CITY OF LAYTON LAND DEVELOPMENT REGULATIONS TO ELIMINATE THE 300 SQUARE FOOT SIZE RESTRICTION OF ENCLOSED AREAS BELOW ELEVATED BUILDINGS, REQUIRING A NON-CONVERSION AGREEMENT FOR NEW OR IMPROVED DOWNSTAIRS ENCLOSURES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR AMENDMENT TO AND INCORPORATION IN THE CITY OF LAYTON LAND DEVELOPMENT REGULATIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on or around March 5, 2026, at its regular public meeting, the City of Layton City Council (“Layton City Council”) directed staff to amend Chapter 114 (“Flood Damage Prevention”) of the City of Layton Land Development Regulations to eliminate the 300 square foot size restriction of enclosed areas below elevated buildings; prohibiting said enclosures from being converted to or used as habitable living space; and requiring a non-conversion agreement documenting allowable uses and ensuring future buyers a clear record of permitted improvements; and

WHEREAS, on May 7, 2026, Layton City Council held a public hearing on the subject proposed amendment to the City of Layton Land Development Regulations; and

WHEREAS, at a regularly scheduled meeting on the 4th day of June, 2026, Layton City Council held a second public hearing to consider adoption of the subject proposed amendment;

WHEREAS, Layton City Council finds that the proposed amendment is consistent with the City of Layton Comprehensive Plan last updated June 1, 2023.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAYTON, FLORIDA:

Section 1. The above recitals are true, correct, and hereby adopted and incorporated herein.

Section 2. The text of the City of Layton Land Development Regulations are hereby amended as follows (deletions are shown ~~strike-through~~; additions are shown underlined):

ARTICLE III. FLOOD RESISTANT DEVELOPMENT

Sec. 114-21. Buildings and structures.

- (a) *Design and construction of buildings, structures and facilities exempt from the Florida Building Code.* Pursuant to section 114-12(c) of this article, buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of section 114-27 of this article.
- (b) *Detached accessory structures.* Detached accessory structures with walls and roofs are permitted at grade if used only for parking and storage accessory to the primary structures and:
 - (1) If located in special flood hazard areas (Zone A/AE) other than coastal high hazard areas, have flood openings in accordance with Section R322.2 of the Florida Building Code, Residential and:
 - a. When accessory to one- and two-family dwellings, are not larger than 150 square feet.
 - b. When accessory to other buildings, are not larger than 300 square feet.
 - (2) If located in coastal high hazard areas (Zone V/VE), are not located below elevated buildings and are not larger than 100 square feet.
 - (3) Are anchored to resist flotation, collapse or lateral movement resulting from flood loads.
 - (4) Have flood damage-resistant materials used below the base flood elevation plus one foot.
 - (5) Have mechanical, plumbing and electrical systems, including plumbing fixtures, elevated to or above the base flood elevation plus one foot.
- (c) *Administrative and technical amendments to the Florida Building Code, Building.*
 - (1) Modify Sec. 107.3.5 as follows:

107.3.5 Minimum plan review criteria for buildings.

Commercial Buildings: Building

- 8. Structural requirements shall include:

Flood requirements in accordance with Section 1612, including lowest floor elevations, FEMA Elevation Certificate (FEMA Form 086-0-33), FEMA's Floodproofing Certificate (FEMA Form 086-0-34), enclosures, flood damage-resistant materials.

Residential (one- and two-family):

- 6. Structural requirements shall include:

Flood hazard areas, flood zones, design flood elevations, lowest floor elevations, FEMA Elevation Certificate (FEMA Form 086-0-33), enclosures, equipment, and flood damage-resistant materials.

- (2) Modify Sec. 110.3 as follows:

110.3 Required inspections.

Building [partial shown]

1. Foundation inspection.

1.1. In flood hazard areas, upon placement of the lowest floor, including basement, and prior to further vertical construction, the under construction FEMA Elevation Certificate (FEMA Form 086-0-33), and a statement by a registered design professional that the foundation was constructed in compliance with the plans and is securely anchored on pilings or columns shall be submitted to the authority having jurisdiction.

5. Final inspection.

5.1. In flood hazard areas, as part of the final inspection, final FEMA Elevation Certificate (FEMA Form 086-0-33) of the lowest floor elevation shall be submitted to the authority having jurisdiction.

- (3) Modify Sec. 1612.4 as follows:

1612.4.4 Elevation requirements. The minimum elevation requirements shall be as specified in ASCE 24 or the base flood elevation plus 3 feet, whichever is higher.

- (d) *Technical amendments to the Florida Building Code, Residential.*

Modify Sec. R322 as follows:

R322.1.6 Protection of mechanical, plumbing and electrical systems. Electrical systems, equipment and components; heating, ventilating, air conditioning; plumbing appliances and plumbing fixtures; duct systems; and other service equipment shall be located at or above the elevation required in Section R322.2 or R322.3. Electrical, plumbing, and other utility connections are not permitted below the base flood elevation. If replaced as part of a substantial improvement, electrical systems, equipment and components; heating, ventilating, air conditioning and plumbing appliances and plumbing fixtures; duct systems; and other service equipment shall meet the requirements of this section. Systems, fixtures, and equipment and components shall not be mounted on or penetrate through walls intended to break away under flood loads.

Exception: Locating electrical systems, equipment and components; heating, ventilating, air conditioning; plumbing appliances and plumbing fixtures; duct systems; and other service equipment is permitted below the elevation required in Section R322.2 or R322.3 provided that they are designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding to the design flood elevation in accordance with ASCE 24. Equipment for pools, spas and water features shall be permitted below the elevation

required in Section R322.2 or R322.3 provided it is elevated to the extent practical and is anchored to prevent floatation and resist flood forces and is supplied by branch circuits that have ground-fault circuit interrupter protection. Electrical wiring systems are permitted to be located below the required elevation provided that they conform to the provisions of the electrical part of this code for wet locations.

R322.2.1 Elevation requirements.

1. Buildings and structures in flood hazard areas including flood hazard areas designated as Coastal A Zones, shall have the lowest floors elevated to or above the base flood elevation plus plus 3 feet, or the design flood elevation, whichever is higher.
2. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated to a height above the highest adjacent grade of not less than the depth number specified in feet (mm) on the FIRM plus 3 feet, or not less than 5 feet if a depth number is not specified.
3. Basement floors that are below grade on all sides shall be elevated to or above base flood elevation plus 3 feet, or the design flood elevation, whichever is higher.

Exception: Enclosed areas below the design flood elevation, including basements with floors that are not below grade on all sides, shall meet the requirements of Section 322.2.2.

R322.2.2 Enclosed area below design flood elevation. Enclosed areas, including crawl spaces, that are below the design flood elevation shall:

1. Be used solely for parking of vehicles, building access or storage. ~~Enclosed areas shall be 300 square feet or less.~~ The interior portion of such enclosed areas shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators, unless a partition is required by the fire code. The limitation on partitions does not apply to load bearing walls interior to perimeter wall (crawl space) foundations. Access to enclosed areas shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the building (stairway or elevator). The downstairs enclosure shall not be converted into habitable living space, Property owners seeking permits to expand storage enclosures will be required to sign a recorded non-conversion agreement that documents allowable uses and ensures future buyers a clear record of permitted improvements.

Remainder unchanged

R322.2.3 Foundation design and construction. Foundations shall be designed by a registered design professional and construction documents shall include documentation that is prepared and sealed certifying the design and methods of construction resist flood loads, the building is securely anchored to adequately anchored pilings or columns, and the design meets the requirements of this section.

R322.3.2 Elevation requirements.

1. Buildings and structures erected within coastal high-hazard areas and Coastal A Zones, shall be elevated so that the bottom of the lowest horizontal structure members supporting the lowest floor, with the exception of pilings, pile caps, columns, grade beams and bracing, is elevated to or above the base flood elevation plus 3 feet or the design flood elevation, whichever is higher.
2. Basement floors that are below grade on all sides are prohibited.
3. The use of fill for structural support is prohibited.
4. Minor grading, and the placement of minor quantities of fill, shall be permitted for landscaping and for drainage purposes under and around buildings and for support of parking slabs, pool decks, patios and walkways.
5. Walls and partitions enclosing areas below the design flood elevation shall meet the requirements of Sections R322.3.4 and R322.3.5.

R322.3.5 Walls below design flood elevation. Walls are permitted below the elevated floor, provided that such walls are not part of the structural support of the building or structure and:

1. Electrical, mechanical and plumbing system components are not to be mounted on or penetrate through walls that are designed to break away under flood loads; and
2. Are constructed with insect screening or open lattice; or
3. Are designed to break away or collapse without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. Such walls, framing and connections shall have a resistance of not less than 10 (479 Pa) and not more than 20 pounds per square foot (958 Pa) as determined using allowable stress design; or
4. Where wind loading values of this code exceed 20 pounds per square foot (958 Pa), as determined using allowable stress design, the construction documents shall include documentation prepared and sealed by a registered design professional that:
 - 4.1. The walls below the design flood elevation have been designed to collapse from a water load less than that which would occur during the base flood.
 - 4.2. The elevated portion of the building and supporting foundation system have been designed to withstand the effects of wind and flood loads acting simultaneously on structural and nonstructural building components. Water-loading values used shall be those associated with the design flood. Wind-loading values shall be those required by this code.
5. Walls intended to break away under flood loads as specified in Item 3 or 4 have flood openings that meet the criteria in Section R322.2.2, Item 2.

R322.3.6 Enclosed areas below the design flood elevation. Enclosed areas below the design flood elevation shall be used solely for parking of vehicles, building access or storage. ~~Enclosed areas shall be 300 square feet or less.~~ The interior portion of such enclosed area shall not be temperature-controlled or partitioned or finished into separate rooms except for stairwells, ramps, and elevators, unless a partition is required by the fire

code. Access to enclosed areas shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the building (stairway or elevator). The downstairs enclosure shall not be converted into habitable living space, Property owners seeking permits to expand storage enclosures will be required to sign a recorded non-conversion agreement that documents allowable uses and ensures future buyers a clear record of permitted improvements.

Section 3. To the extent of any internal or external conflicts, inconsistencies, and/or ambiguities, within this Ordinance or between this Ordinance and the City of Layton Code of Ordinances, Florida Building Code, City of Layton Land Development Regulations, or any approval, or any decision, or any determination of the Layton City Council, the more restrictive rule, regulation, law, provision, and/or text shall always apply and control.

Section 4. **No Liability.** The City of Layton expressly reserves and in no way shall be deemed to have waived, for itself or for its officer(s), employee(s), or agent(s), any sovereign, governmental, and any other similar defense, immunity, exemption, or protection against any suit, cause-of-action, demand, or liability.

Section 5. **Inconsistency, Partial Invalidity, Severability, and Survival of Provisions.** If any portion of this Ordinance, or any portion thereof, is held to be invalid or unenforceable by any administrative hearing officer or court of competent jurisdiction, the invalidity or unenforceability of such provision, or any part or portion thereof, shall neither limit nor impair the operation, enforceability, or validity of any other provision of this Ordinance, or any remaining part(s) or portion(s) thereof. All other provisions of this Ordinance, and remaining part(s) or portion(s) thereof, shall continue unimpaired in full force and effect.

Section 6. **Repeal of Inconsistent Provisions.** All ordinances in conflict with this Ordinance are hereby repealed to the extent of said conflict. The repeal of an ordinance herein shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed thereby.

Section 7. **Transmittal.** This Ordinance shall be transmitted to the State Land Planning Agency pursuant to Chapters 163 and 380, Florida Statutes.

Section 8. **Filing and Effective Date.** This Ordinance shall be filed in the Office of the Secretary of the State of Florida, but shall not become effective until a notice is issued by the Florida State Land Planning Agency or Administration Commission finding the amendment in compliance with Chapters 163 and 380, Florida Statutes, and if challenged until such challenge is resolved.

Section 9. **Inclusion in the Land Development Code.** The text amendment shall be incorporated in the City of Layton Land Development Regulations. The numbering

of the foregoing amendment may be renumbered to conform to the numbering in the City of Layton Land Development Regulations.

PASSED AND ADOPTED by the City Council of the City of Layton, Florida, this ____ day of _____ 2026.

	Yes	No
Seat 1 Councilman Jared Rodriguez	_____	_____
Seat 2 Councilwoman Megan Jones	_____	_____
Seat 3 Vice Mayor Greg Lewis	_____	_____
Seat 4 Councilwoman Cindy Lewis	_____	_____
Seat 5 Councilwoman Susan Grant	_____	_____

ATTEST:

On Behalf of the City Council

Mimi Young, City Clerk

Bruce Halle, Mayor

(SEAL)

Approved as to legal form and sufficiency:

City Attorney, Hunter O'Connor