

ORDINANCE NO. 2024-_____

AN ORDINANCE AFFECTING THE USE OF LAND IN ORANGE COUNTY, FLORIDA BY AMENDING AND CREATING CERTAIN PROVISIONS OF THE ORANGE COUNTY CODE, CHAPTER 37, ARTICLE XVII, KNOWN AS THE “ORANGE COUNTY INDIVIDUAL ON-SITE SEWAGE DISPOSAL SYSTEM (OSDS) ORDINANCE” PERTAINING TO INDIVIDUAL ON-SITE SEWAGE DISPOSAL; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY:

Section 1. Amendments; In General. Article XVII, Chapter 37 of the Orange County Code is hereby amended as set forth in Sections 2 and 8 below, with additions being shown as underlined and deletions being shown as ~~strike-throughs~~.

Section 2. Amendment to Section 37-532 (“Findings; intent.”). Section 37-532 is amended to read as follows:

ARTICLE XVII. INDIVIDUAL ON-SITE SEWAGE DISPOSAL

* * * * *

Sec. 37-532. Findings; intent.

(a) The board of county commissioners has determined a uniform OSDS policy be established in Orange County, Florida.

(b) It is the intent of the board of county commissioners to ensure the well-being of the community and environment by establishing rules and regulations for OSDS in accordance with state statute and regulations (F.S. § 381.0065 and F.A.C. ~~Rule 10D-6~~ chapter 62-6).

(c) The board of county commissioners has determined there are areas in the county with physical characteristics unsuitable for OSDS. This article will restrict use of OSDS in these areas.

34 **Section 3. Amendment to Section 37-533 (“Definitions.”).** Section 37-533 is
amended to read as follows:

36 **Sec. 37-533. Definitions.**

38 For the purpose of this article, the following words and phrases
shall have the meanings indicated:

* * * * *

40 *Available* shall mean within the service area of Orange County,
42 a city or Florida Public Service Commission (~~F.P.S.C.~~)-certificated
central sewerage system shall be deemed available for the
44 connection of the building plumbing if all of the applicable
following requirements are met:

46 (1) The sewerage system is not under moratorium issued by the
Florida Department of Environmental ~~Regulation~~ Protection
or other governmental entity having jurisdiction.

48 (2) The sewerage system has adequate hydraulic capacity to
50 accept the quantity of sewage to be discharged by the
proposed establishment.

52 (3) The owner of the sewerage system will permit a connection
to the system and the property is within the system's service
area.

54 (4) For single-family residences or for estimated sewage flows
56 of ~~six hundred (600) or less gallons per day~~ two (2)
equivalent residential units (ERU) or less, a sewerage system
shall be considered available if:

58 a. Outside of vulnerable areas: ~~a~~ A gravity sewer line
exists in an easement ~~accommodating~~ accommodating public
60 utilities or ~~rights-of-way which~~ right-of-way that abuts the
property, and if gravity flow can be maintained from the
62 building drain to the gravity sewer line or lift station.

64 b. Inside of vulnerable areas: A gravity sewer line, force
main, or lift station exists in an easement accommodating
public utilities or right-of-way that abuts the property.

66 (5) For estimated sewage flows exceeding ~~six hundred (600)~~
68 ~~gallons~~ two (2) equivalent residential units (ERU) per day, a
sewerage system shall be considered available if:

70 a. Outside of vulnerable areas: ~~a~~ A gravity sewer line,
force main, or lift station exists in a public easement or right-
of-way ~~which~~ that abuts the property or is within one

72 hundred (100) feet of the property as measured along and
74 accessible via an easement accommodating public utilities
or rights-of-way.

76 b. Inside of vulnerable areas: A gravity sewer line, force
78 main, or lift station exists in a public easement or right-of-
way that abuts the property or is within six hundred (600)
feet of the property as measured along and accessible via an
easement accommodating public utilities or right-of-way.

80 (6) For areas zoned or used for industrial or manufacturing
82 purposes or its equivalent, a sewer line existing within one-
quarter (1/4) mile of the development as measured along and
84 accessible via an easement accommodating public utilities
or right-of-way shall be considered available. For repair or
86 modification purposes, available sewers are any sewer lines
within five hundred (500) feet of the building sewer stubout
88 as measured along and accessible via an easement
accommodating public utilities or rights-of-way.

90 (7) For subdivisions approved after June 8, 1992, ~~the effective~~
92 ~~date of Ordinance No. 92-16~~, a gravity sewer line, force
94 main, or lift station within one (1) mile of the site shall be
considered available. One (1) mile shall be measured from
the property line along the most direct path within the public
right-of-way or easement in which the sewer line would be
installed using normal construction practices.

96 * * * * *

98 Enhanced on-site sewage disposal system (OSDS) shall mean an
100 onsite sewage treatment and disposal system approved by the
Florida Department of Environmental Protection as capable of
meeting or exceeding at least sixty-five (65) percent total nitrogen
reduction combined from the onsite sewage tank or tanks and
102 drainfield.

* * * * *

104 Orange County Priority Vulnerability Areas (PVAs) shall mean
106 areas of unincorporated Orange County where surface water and
groundwater are generally most vulnerable to pollutant inputs and
as depicted in section 37-546. Each Orange County PVA boundary
is located at the extent of the modeled 5-year zone of influence
around the prioritized waterbodies of interest. Parcels of land that
110 fall wholly or partially inside or intersect with an Orange County
PVA boundary shall be included.

112 * * * * *

114 Vulnerable area shall mean the Wekiwa Priority Focus Area
(PFA) or the Orange County Priority Vulnerability Areas.

* * * * *

116 Wekiwa Priority Focus Area (PFA) shall mean the area within the
Wekiwa and Rock Springs Basin Management Action Plan area
118 where the Floridan Aquifer is generally most vulnerable to pollutant
inputs where there is a known connectivity between groundwater
120 pathways and the Outstanding Florida Spring.

Section 4. Amendment to Section 37-537 (“Sewage flow standards.”). Section
122 37-537 is amended to read as follows:

Sec. 37-537. Sewage flow standards.

124 All OSDS are subject to the approval of the health department.
OSDS shall meet the following criteria: Average daily sewage flow
126 calculations shall be based on F.A.C.-~~ch. 10D-6~~ chapter 62-6, as
amended or replaced, and pursuant to F.S. § 381.0065(1).

128 *Section 5. Amendment to Section 37-540 (“Design and permit standards.”).*

Section 37-540 is amended to read as follows:

130 **Sec. 37-540. Design and permit standards.**

132 (a) OSDS shall be designed and constructed per the regulations
herein and F.A.C.-~~ch. 10D-6~~ chapter 62-6, as may be amended or
replaced.

* * * * *

134 (o) Any person owning or controlling property upon which an
136 OSDS is installed shall be responsible for maintenance of the system
as outlined in F.A.C.-~~ch. 10D-6~~ chapter 62-6.

138 (p) Any new OSDS approved to be located on a lot one (1) acre
or less in size within an Orange County PVA shall be an enhanced
140 OSDS capable of meeting or exceeding at least sixty-five (65)
percent total nitrogen reduction combined from the onsite sewage
142 tank or tanks and drainfield.

Section 6. Amendment to Section 37-541 (“Variances to state requirements.”).

144 Section 37-541 is amended to read as follows:

Sec. 37-541. Variances to state requirements.

146 (a) A request for a variance to any design or construction
148 regulation which is incorporated herein by F.A.C. § 10A and is
150 required by F.A.C. ~~ch. 10D-6~~ chapter 62-6, as may be amended or
152 replaced, shall be applied for and determined in accordance with
154 F.A.C. ~~§ 10D-6.045~~ rule 62-6.004, as may be amended or replaced.
156 ~~Applications for such variances shall be submitted through the~~
158 ~~county public health unit utilizing the appropriate state forms.~~
160 Providing a variance granted pursuant to F.A.C. ~~§ 10D-6.045~~ rule
162 62-6.004 by the appropriate state agency concerning a provision of
164 F.A.C. ~~ch. 10D-6~~ is both: (1) either not specifically addressed or is
merely restated in this article, and (2) the applicable restated
provision of this article, if any, is not more restrictive than the
corresponding F.A.C. ~~ch. 10D-6~~ chapter 62-6 provision; then a
county variance will not be required and the county shall recognize
and honor the state-issued variance. Similarly, an applicant may not
circumvent any local requirements imposed by this article which are
more restrictive than the F.A.C. ~~ch. 10D-6~~ chapter 62-6
requirements by seeking a variance through F.A.C. ~~§ 10D-6.045~~ rule
62-6.004.

166 (b) The decision to grant or deny a variance to a state
168 requirement may be appealed through an administrative hearing in
compliance with F.S. ch. 120, as set forth in F.A.C. ~~§ 10D-6.045(3)~~
rule 62-6.004(4), as may be amended or replaced.

Section 7. Amendment to Section 37-542 (“Variances to local requirements.”).

170 Section 37-542 is amended to read as follows:

Sec. 37-542. Variances to local requirements.

172 A request for a variance from the regulations contained in this
174 article ~~which that~~ are more restrictive than ~~and/or which are~~ or not
176 directly addressed by F.A.C. ~~ch. 10D-6~~ 62-6 shall be made and
178 determined by the county engineer or his designee. Any request for
180 a variance from the requirements contained in this article as applied
to a lakefront lot shall be reviewed by the development review
committee (DRC), with input requested from the county
environmental protection department, prior to consideration for
approval. The board of county commissioners hereby designates the
DRC as the entity to hear appeals of those variance requests denied

182 by the county engineer. Both the county engineer and the DRC shall
184 act pursuant to the standards contained in Orange County Code
186 section 34-27. In applying section 34-27 to a variance request
188 hereunder, terms (i) “DRC,” (ii) “this chapter,” and (iii)
“subdivision improvements” shall be interpreted to mean (i) either
“county engineer” or “DRC,” as appropriate, (ii) “this OSDS
ordinance,” and (iii) “OSDS regulations,” respectively.

190 Any approved variance from the setback requirement for a new
192 OSDS to be located at least one hundred fifty (150) feet from the
194 normal high water elevation (NHWE) of surface water bodies and
canals connected to surface water bodies shall have a condition that
an enhanced OSDS capable of meeting or exceeding at least sixty-
five (65) percent total nitrogen reduction will be installed.

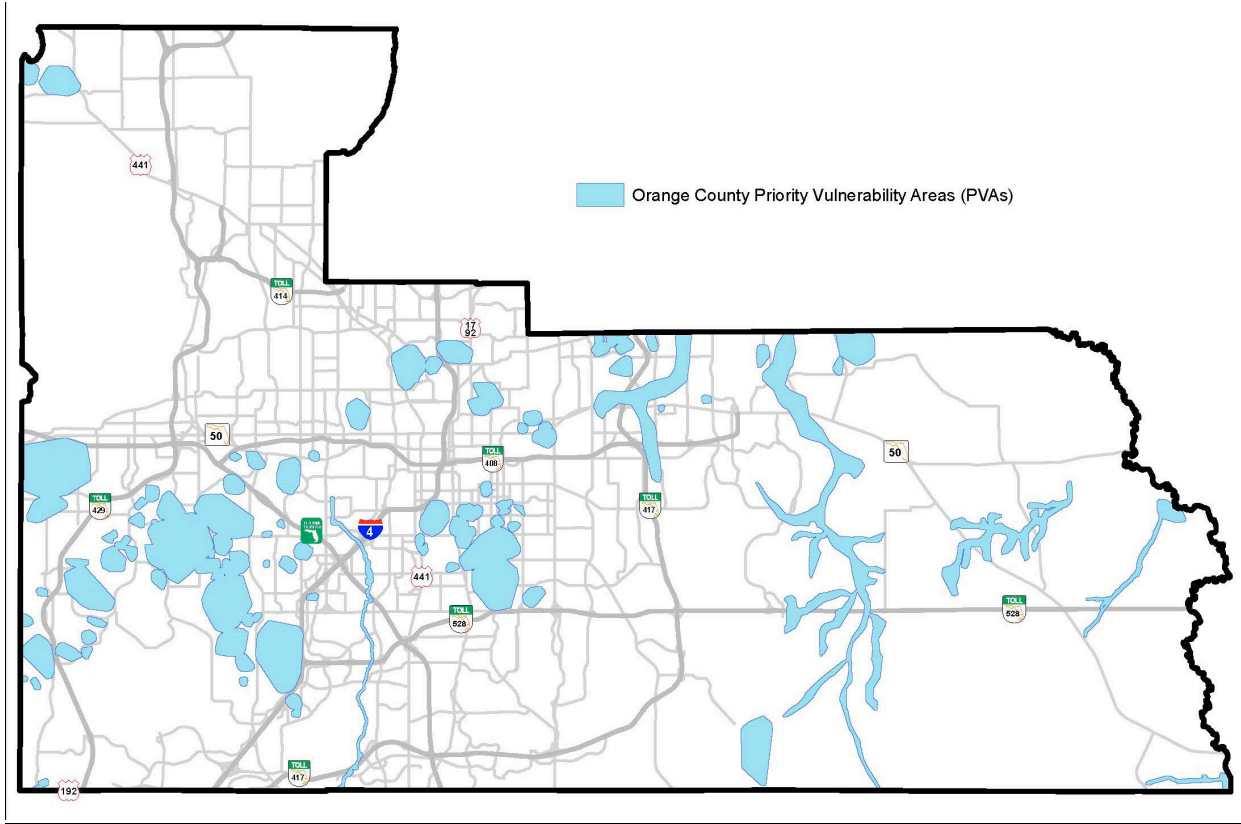
Section 8. Creation of Section 37-546. Section 37-546, presently “Reserved” is

196 created to read as follows:

198 **Sec. 37-546. ~~Reserved~~ Orange County Priority Vulnerability**
Areas.

200 For purposes of this article and the applicability of the regulations
202 contained in this article, the Orange County Priority Vulnerability
Areas as defined in section 37-533 shall include the area of land
located in the county within boundaries depicted in the map that
follows.

204



206

Secs. ~~37-546~~ 37-547—37-600. Reserved.

208

Section 9. Effective Date. This ordinance shall take effect pursuant to general law.

ADOPTED THIS _____ DAY OF _____, 2024.

210

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

212

By: _____

214

Jerry L. Demings
Orange County Mayor

216

ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

218

220

By: _____

222

Deputy Clerk

224

s:\gholmes\ordinances\septic tank (in pvas) (ch. 37 - art. xvii)\2024-08-01 art. xvii - septic tank pva v.2.docx