

ORDINANCE NO. 2025 - \_\_\_\_

AN ORDINANCE PERTAINING TO LAND USE IN ORANGE COUNTY; AMENDING PORTIONS OF THE ORANGE COUNTY CODE RELATING TO RECLAIMED WATER CONNECTION FEE CREDITS AND WATER CAPITAL CHARGES AND WASTEWATER CAPITAL CHARGES; BY AMENDING SECTION 37-4 (“CONNECTION REQUIRED; EXTENSIONS AND OVERSIZING”); BY AMENDING SECTION 37-5 (“APPLICATION FOR WATER, WASTEWATER AND RECLAIMED WATER SERVICES”); AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Board of County Commissioners of Orange County (the “Board”) establishes and collects water and wastewater user charges and connection fees pursuant to its home rule powers granted to the county by the Florida Constitution, the Orange County Charter, Florida Statutes Chapter 125, and other applicable statutory authority; and

**WHEREAS**, the Board has analyzed and caused to be prepared a report on water and wastewater capital charges; and

**WHEREAS**, as a result of the above-mentioned report, the Board desires to implement several of the findings contained therein by enacting the following ordinance; and

**WHEREAS**, the Board has placed a new requirement on new residential development for the construction of reclaimed water distribution systems; and

**WHEREAS**, the Board recognized that construction of reclaimed water distribution systems required additional expenditures by developers and to offset the cost for constructing such projects, the Board approved certain connection fee credits to developers; and

**WHEREAS**, reclaimed water is now recognized as a valuable and limited resource such that financial incentives for its development are no longer necessary; and

**WHEREAS**, the Board has determined the need to sunset those certain connection fee credits for installing reclaimed water systems; and

**WHEREAS**, following a public hearing, on December 17, 2024, the Board of County Commissioners adopted Ordinance 2024-35 that included in error at Section 4.(b) a direction to the Clerk of the Board of County Commissioners to cause to be published a legal notice in the *Orlando Sentinel* pursuant to Section 163.31801(4)(d), Florida Statutes; and

WHEREAS, consistent with Section 163.31801(12), Florida Statutes, the legal notice does not apply to water and sewer connection fees, therefore this ordinance repeals and replaces Ordinance 2024-35 in order to remove the direction to the Clerk.

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

**Section 1. Amendments; In General.** Chapter 37, Article I of the Orange County Code, known as the “Orange County Water, Wastewater and Reclaimed Water Service Rules” Ordinance, is hereby amended as set forth in Section 2 through Section 4 below, with additions being shown as underlined and deletions being shown as strike-throughs.

**Section 2. Amendment to Section 37-4.** Section 37-4 is amended to read as follows:

**Sec. 37-4. Connection required; extensions and oversizing.**

(a) *Connection required.*

\* \* \*

(3) *Connection to the reclaimed water system.*

\* \* \*

e. Reclaimed water demand for a development shall be calculated based on a minimum irrigation rate of one (1) inch per week for the irrigable area of the property. This irrigation rate equals approximately ~~twenty-seven~~ twenty-seven thousand (27,000) gallons per week per acre of irrigable area.

f. If reclaimed water is not available at completion of construction, the county may supply potable water through the reclaimed water distribution system until such time that reclaimed water is available. Customers being served in this manner will be billed for monthly metered consumption, subject to the applicable potable water rates and policies.

g. In new developments where reclaimed water is available, the use of potable water for irrigation shall be prohibited.

~~h. Connection fee credits. The board recognizes that construction of reclaimed water distribution systems~~

~~within a residential subdivision will require additional expenditures by the developers of such projects. To offset their cost for constructing reclaimed water distribution systems to provide service to individual residential lots, the county will offer certain connection fee credits to developers constructing reclaimed water distribution systems within residential subdivisions as provided below:~~

- ~~1. Credits will be offered to only those developments where the applicant designs, permits and constructs reclaimed water distribution systems to provide reclaimed water service to individual residential customers.~~
- ~~2. Development projects which involve only off-site reclaimed water main extension in accordance with the criteria in Table 1 and do not involve reclaimed water distribution systems are not eligible for any credits.~~
- ~~3. The county will offer a credit of ten (10) percent of the water connection fees due for each residential lot that receives service from a reclaimed water distribution system constructed by the developer, provided that the water service to the development is being furnished by the county. Credit will be given to the entity paying the connection fees.~~
- ~~4. The county will offer a credit of ten (10) percent of the wastewater connection fees due for each residential lot that receives service from a reclaimed water distribution system constructed by the developer, provided that the wastewater service to the development is being furnished by the county. Credit will be given to the entity paying the connection fees.~~

In all other respects, Section 37-4 shall remain unchanged.

**Section 3. Amendment to Section 37-5.** Section 37-5 is amended to read as follows:

**Sec. 37-5. Application for water, wastewater and reclaimed water services.**

\* \* \*

(b) *Capital charges.*

\* \* \*

(4) *Water capital charge.* Determination of water capital charges for development.

a. *Water capital charge established.*

1. The board previously adopted and hereby reconfirms the establishment of a water capital charge (previously known as a water capacity demand charge) and establishes the charge to be ~~one thousand nine hundred seventy dollars (\$1,970.00)~~ two thousand seven hundred ninety dollars (\$2,790.00) per ERC. Development having construction plans submitted to OCU before ~~February 1, 2019, April 1, 2025,~~ but not approved by OCU and capital charges paid on or before ~~July 31, 2019, September 30, 2025,~~ will be assessed the water capital charge in effect at the time of payment of capital charges. Development having construction plans submitted before ~~February 1, 2019, April 1, 2025,~~ and approved by OCU and capital charges paid on or before ~~July 31, 2019, September 30, 2025,~~ will be assessed the water capital charge in effect on the date of submission of the construction plans to OCU. The board may modify the water capital charge by ordinance.
2. Applicants who have paid the entire prevailing water capital charge before ~~February 1, 2019, April 1, 2025~~ are exempt from paying subsequent incremental increases in the water capital charge for the ERCs.
3. Any affordable single-family residential unit, affordable multifamily ~~unit unit,~~ or affordable mobile home unit to be constructed within a project ~~which that~~ has received a certificate of affordability from the county's department that handles community development and housing assistance matters shall be eligible for a discount on the

146 applicable water capital charge according to Orange  
148 County Administrative Regulation 4.08, as it may be  
discounts shall not apply to any such housing units  
150 constructed within a project for which water capacity is  
wholesaled unless the supplier of the wholesale service  
152 grants the same discounted charge to OCU. The county  
shall not increase the amount of the water capital charge  
154 payable under this section to replace any revenue lost on  
account of the discounts granted under this subsection.  
156 The board may adopt administrative regulations and  
guidelines to implement this section and to ensure that a  
158 housing unit ~~which~~ that is granted a discount remains  
affordable.

160 4. ~~The board recognizes that construction of reclaimed~~  
~~water distribution systems within a residential~~  
162 ~~subdivision will require additional expenditures by the~~  
~~developers of such projects. To offset their cost for~~  
164 ~~constructing reclaimed water distribution systems to~~  
~~provide service to individual residential lots, the county~~  
166 ~~will offer certain connection fee credits to developers~~  
~~constructing reclaimed water distribution systems within~~  
168 ~~residential subdivisions as provided in section 37.4 of~~  
~~this chapter.~~

170 \* \* \*

172 (5) *Wastewater capital charge.* Determination of  
wastewater capital charges for development.

a. *Wastewater capital charge established.*

174 1. The board previously adopted and hereby reconfirms the  
establishment of a wastewater capital charge and  
176 establishes the charge to be ~~three thousand five hundred~~  
~~seventy dollars (\$3,570.00)~~ five thousand two hundred  
178 seventy dollars (\$5,270.00) per ERU. Development  
having construction plans submitted to OCU before  
180 February 1, 2019, April 1, 2025, but not approved by  
OCU and capital charges paid on or before July 31, 2019,  
182 September 30, 2025, will be assessed the wastewater  
capital charge in effect at the time of payment of capital  
184 charges. Development having construction plans

submitted before ~~February 1, 2019~~, April 1, 2025, and approved by OCU and capital charges paid on or before ~~July 31, 2019~~, September 30, 2025, will be assessed the wastewater capital charge in effect on the date of submission of the construction plans to OCU. The board may modify the wastewater capital charge by ordinance.

2. With the exception of applicants who paid capital charges in accordance with Orange County Emergency Ordinance No. 83-21, approved on May 24, 1983, (3MGD Capacity), those who paid the entire prevailing wastewater capital charge before ~~February 1, 2019~~, April 1, 2025, ~~shall be exempted~~ are exempt from paying subsequent incremental increases in the wastewater capital charge. Those who paid capital charges in accordance with Orange County Emergency Ordinance No. 83-21, approved on May 24, 1983, (3MGD Capacity) at one thousand six hundred dollars (\$1,600.00), or their successors or assigns, shall pay three hundred dollars (\$300.00) per ERU to OCU before connecting to the wastewater system.
3. Nothing contained in the article shall be construed to repeal the board resolution dated December 8, 1980, adopting an industrial wastewater and pollution control charge schedule for Western Electric's industrial effluent, or County Ordinance No. 83-21.
4. Any affordable single-family residential unit, affordable multifamily unit, or affordable mobile home unit to be constructed within a project ~~which~~ that has received a certificate of affordability from the county's department that handles community development and housing assistance matters shall be eligible for a discount on the applicable wastewater capital charge according to Orange County Administrative Regulation No. 4.08, as it may be amended or replaced from time to time. However, the aforesaid discounts shall not apply to any such housing units constructed within a project for which wastewater capacity is wholesaled unless the supplier of wholesale service grants the same discounted charge to the OCU. ~~The board~~ the county shall not increase the amount

224 of the wastewater capital charge payable under this  
226 section to replace any revenue lost on account of the  
discounts granted under this subsection. The board may  
228 adopt administrative regulations and guidelines to  
implement this section and to ensure that a housing unit  
~~which~~ that is granted a discount remains affordable.

230 ~~5. The board recognizes that construction of reclaimed~~  
~~water distribution systems within a residential~~  
232 ~~subdivision will require additional expenditures by the~~  
~~developers of such projects. To offset their cost for~~  
234 ~~constructing reclaimed water distribution systems to~~  
~~provide service to individual residential lots, the county~~  
236 ~~will offer certain connection fee credits to developers~~  
~~constructing reclaimed water distribution systems within~~  
238 ~~residential subdivisions as provided in section 37-4 of~~  
~~this chapter.~~

240 In all other respects, Section 37-5 shall remain unchanged.

**Section 4. Repeal of Ordinance 2024-35.** Ordinance 2024-35 is repealed in its  
242 entirety.

**Section 5. Effective date.** This ordinance shall become effective on April 1, 2025.

244  
**ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2025.**

246 ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

248  
By: \_\_\_\_\_  
250 Jerry L. Demings  
Orange County Mayor

252  
ATTEST: Phil Diamond, CPA, County Comptroller  
254 As Clerk of the Board of County Commissioners

256  
By: \_\_\_\_\_  
258 Deputy Clerk