

BCC Mtg. Date: December 17, 2024

Effective Date: April 1, 2025

ORDINANCE NO. 2024-35

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.

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 applicable water capital charge according to Orange County Administrative Regulation 4.08, as it may be amended from time to time. However, the aforesaid discounts shall not apply to any such housing units constructed within a project for which water capacity is wholesaled unless the supplier of the wholesale service grants the same discounted charge to OCU. The county shall not increase the amount of the water capital charge payable under this section to replace any revenue lost on account of the discounts granted under this subsection. The board may adopt administrative regulations and guidelines to implement this section and to ensure that a housing unit ~~which~~ that is granted a discount remains affordable.
4. ~~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 in section 37.4 of this chapter.~~

* * *

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

a. *Wastewater capital charge established.*

1. The board previously adopted and hereby reconfirms the establishment of a wastewater capital charge and establishes the charge to be ~~three thousand five hundred seventy dollars (\$3,570.00)~~ five thousand two hundred seventy dollars (\$5,270.00) per ERU. 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 wastewater 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 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~~ county shall not increase the amount of the wastewater capital charge payable under this section to replace any revenue lost on account of the discounts granted under this subsection. The board may adopt administrative regulations and guidelines to implement this section and to ensure that a housing unit ~~which~~ that is granted a discount remains affordable.
5. ~~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 in section 37-4 of this chapter.~~

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

Section 4. *Effective date; compliance with Section 163.31801(3)(d), Florida*

Statutes.

- (a) This ordinance shall become effective on April 1, 2025.
- (b) Pursuant to section 163.31801(4)(d), Florida Statutes, the Clerk of the Board of County Commissioners shall cause to be published a legal notice in the *Orlando Sentinel* at least ninety (90) days before the effective date of this ordinance providing notice of the increased capital charges for most cases for the land uses within the jurisdiction of Orange County and within Orange County Utilities waste and wastewater service areas, effective April 1, 2025.

ADOPTED THIS 17th DAY OF DECEMBER, 2024.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: *Jerry L. Demings*
for Jerry L. Demings
Orange County Mayor

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

By: *Jennifer Ann-Kline*
Deputy Clerk

