

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, known as the Orange County Individual On-site Sewage Disposal System (OSDS) Ordinance, is hereby amended as set forth in Section 2 through Section 8 below, with additions being shown as underlined and deletions being shown as strike-throughs.

Section 2. Amendment to Section 37-532. Section 37-532 is amended to read as follows:

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.

Section 3. Amendment to Section 37-533. Section 37-533 is amended to read as

follows:

Sec. 37-533. Definitions.

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

* * *

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

- (1) The sewerage system is not under moratorium issued by the Florida Department of Environmental ~~Regulation~~ Protection or other governmental entity having jurisdiction.
- (2) The sewerage system has adequate hydraulic capacity to accept the quantity of sewage to be discharged by the proposed establishment.
- (3) The owner of the sewerage system will permit a connection to the system and the property is within the system's service area.
- (4) For single-family residences or for estimated sewage flows 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 ~~a~~:
 - a. Outside of vulnerable areas: A gravity sewer line exists in an easement ~~accommodating~~ accommodating public utilities or ~~rights-of-way which~~ right-of-way that abuts the property, and if gravity flow can be maintained from the building drain to the gravity sewer line or lift station.
 - b. Inside of vulnerable areas: A gravity sewer line, force main, or lift station exists in an easement ~~accommodating~~ accommodating public utilities or right-of-way that abuts the property.
- (5) For estimated sewage flows exceeding ~~six hundred (600) gallons~~ two (2) equivalent residential units (ERU) per day, a sewerage system shall be considered available if:
 - a. Outside of vulnerable areas: ~~a~~ A gravity sewer line, force main, or lift station exists in a public easement or

72 right-of-way ~~which~~ that abuts the property or is within
74 one hundred (100) feet of the property as measured along
and 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-
80 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.

82 (6) For areas zoned or used for industrial or manufacturing
84 purposes or its equivalent, a sewer line existing within one-
86 quarter (1/4) mile of the development as measured along and
88 accessible via an easement accommodating public utilities
or right-of-way shall be considered available. For repair or
modification purposes, available sewers are any sewer lines
within five hundred (500) feet of the building sewer stubout
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
96 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.

* * *

98 Enhanced on-site sewage disposal system (OSDS) shall mean an
100 onsite sewage treatment and disposal system approved by the
102 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
drainfield.

104 * * *

106 Orange County Priority Vulnerability Areas (PVAs) shall mean
108 areas of unincorporated Orange County where surface water and
groundwater are generally most vulnerable to pollutant inputs. The
110 boundary of each PVA is located at the extent of the modeled 5-year
zone of influence, as depicted in section 37-546, including an
additional one hundred fifty (150) foot buffer, around the prioritized
waterbodies of interest. Parcels of land that fall wholly inside a PVA

boundary and whole parcels of land one (1) acre or less in size that fall partially inside a PVA boundary shall be included.

* * *

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

* * *

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

Section 4. Amendment to Section 37-537. Section 37-537 is amended to read as

follows:

Sec. 37-537. Sewage flow standards.

All OSDS are subject to the approval of the health department. OSDS shall meet the following criteria: Average daily sewage flow 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).

Section 5. Amendment to Section 37-540. Section 37-540 is amended to read as

follows:

Sec. 37-540. Design and permit standards.

(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.

* * *

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

(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 OSDS capable of meeting or exceeding at least sixty-five (65)

percent total nitrogen reduction combined from the onsite sewage tank or tanks and drainfield.

Section 6. Amendment to Section 37-541. Section 37-541 is amended to read as follows:

Sec. 37-541. Variances to state requirements.

(a) A request for a variance to any design or construction regulation which is incorporated herein by F.A.C. ~~§ 10A section 37-540(a)~~ and is required by F.A.C. ~~ch. 10D-6 chapter 62-6~~, as may be amended or replaced, shall be applied for and determined in accordance with F.A.C. ~~§ 10D-6.045 rule 62-6.004~~, as may be amended or replaced. ~~Applications for such variances shall be submitted through the county public health unit utilizing the appropriate state forms.~~ Providing a variance granted pursuant to F.A.C. ~~§ 10D-6.045 rule 62-6.004~~ by the appropriate state agency concerning a provision of 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~~.

(b) The decision to grant or deny a variance to a state 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. Section 37-542 is amended to read as follows:

Sec. 37-542. Variances to local requirements.

A request for a variance from the regulations contained in this article ~~which that~~ are more restrictive than ~~and/or which are or~~ not directly addressed by F.A.C. ~~ch. 10D-6 62-6~~ shall be made and determined by the county engineer or his designee. Any request for 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 by the county engineer. Both the county engineer and the DRC shall act pursuant to the standards contained in Orange County Code section 34-27. In applying section 34-27 to a variance request 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.

Any approved variance from the setback requirement for a new OSDS to be located at least one hundred fifty (150) feet from the normal high water elevation (NHWE) of surface water bodies and canals connected to surface water bodies shall include a specific 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 through section 37-600 are presently "Reserved." Section 37-546 is created and section 37-547 through section 37-600 are amended to read as follows:

Sec. 37-546. Orange County Priority Vulnerability Areas (PVAs).

For purposes of this article and the applicability of the regulations 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.

