

ORDINANCE NO. 2024-\_\_\_\_\_

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:

44 **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  
46 and deletions being shown as strike-throughs.

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

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

(a) *Connection required.*

50 \* \* \*

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

52 \* \* \*

54 e. Reclaimed water demand for a development shall be  
calculated based on a minimum irrigation rate of one (1)  
56 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  
58 acre of irrigable area.

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

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

68 ~~h. Connection fee credits. The board recognizes that  
construction of reclaimed water distribution systems  
70 within a residential subdivision will require additional  
expenditures by the developers of such projects. To  
72 offset their cost for constructing reclaimed water  
distribution systems to provide service to individual  
74 residential lots, the county will offer certain connection  
fee credits to developers constructing reclaimed water~~

76 ~~distribution systems within residential subdivisions as~~  
77 ~~provided below:~~

78 ~~1. Credits will be offered to only those developments where~~  
79 ~~the applicant designs, permits and constructs reclaimed~~  
80 ~~water distribution systems to provide reclaimed water~~  
81 ~~service to individual residential customers.~~

82 ~~2. Development projects which involve only off-site~~  
83 ~~reclaimed water main extension in accordance with the~~  
84 ~~criteria in Table 1 and do not involve reclaimed water~~  
85 ~~distribution systems are not eligible for any credits.~~

86 ~~3. The county will offer a credit of ten (10) percent of the~~  
87 ~~water connection fees due for each residential lot that~~  
88 ~~receives service from a reclaimed water distribution~~  
89 ~~system constructed by the developer, provided that the~~  
90 ~~water service to the development is being furnished by~~  
91 ~~the county. Credit will be given to the entity paying the~~  
92 ~~connection fees.~~

93 ~~4. The county will offer a credit of ten (10) percent of the~~  
94 ~~wastewater connection fees due for each residential lot~~  
95 ~~that receives service from a reclaimed water distribution~~  
96 ~~system constructed by the developer, provided that the~~  
97 ~~wastewater service to the development is being furnished~~  
98 ~~by the county. Credit will be given to the entity paying~~  
99 ~~the connection fees.~~

100 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:

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

104 \* \* \*

(b) *Capital charges.*

106 \* \* \*

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

a. *Water capital charge established.*

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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.

148 The board may adopt administrative regulations and  
150 guidelines to implement this section and to ensure that a  
housing unit ~~which~~ that is granted a discount remains  
affordable.

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

162 \* \* \*

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

a. *Wastewater capital charge established.*

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

184 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,

186 (3MGD Capacity), those who paid the entire prevailing  
wastewater capital charge before ~~February 1, 2019, April~~  
188 ~~1, 2025, shall be exempted~~ are exempt from paying  
subsequent incremental increases in the wastewater  
190 capital charge. Those who paid capital charges in  
accordance with Orange County Emergency Ordinance  
192 No. 83-21, approved on May 24, 1983, (3MGD  
Capacity) at one thousand six hundred dollars  
194 (\$1,600.00), or their successors or assigns, shall pay  
three hundred dollars (\$300.00) per ERU to OCU before  
196 connecting to the wastewater system.

198 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  
200 charge schedule for Western Electric's industrial  
effluent, or County Ordinance No. 83-21.

202 4. Any affordable single-family residential unit, affordable  
multifamily unit, or affordable mobile home unit to be  
204 constructed within a project ~~which~~ that has received a  
certificate of affordability from the county's department  
206 that handles community development and housing  
assistance matters shall be eligible for a discount on the  
208 applicable wastewater capital charge according to  
Orange County Administrative Regulation No. 4.08, as  
210 it may be amended or replaced from time to time.  
However, the aforesaid discounts shall not apply to any  
212 such housing units constructed within a project for which  
wastewater capacity is wholesaled unless the supplier of  
214 wholesale service grants the same discounted charge to  
the OCU. ~~The board~~ county shall not increase the amount  
216 of the wastewater capital charge payable under this  
section to replace any revenue lost on account of the  
218 discounts granted under this subsection. The board may  
adopt administrative regulations and guidelines to  
220 implement this section and to ensure that a housing unit  
~~which~~ that is granted a discount remains affordable.

222 ~~5. The board recognizes that construction of reclaimed~~  
~~water distribution systems within a residential~~  
224 ~~subdivision will require additional expenditures by the~~

226 ~~developers of such projects. To offset their cost for~~  
227 ~~constructing reclaimed water distribution systems to~~  
228 ~~provide service to individual residential lots, the county~~  
229 ~~will offer certain connection fee credits to developers~~  
230 ~~constructing reclaimed water distribution systems within~~  
231 ~~residential subdivisions as provided in section 37-4 of~~  
232 ~~this chapter.~~

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

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

234 **Statutes.**

(a) This ordinance shall become effective on April 1, 2025.

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

**ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.**

244 ORANGE COUNTY, FLORIDA  
245 By: Board of County Commissioners

246  
247 By: \_\_\_\_\_  
248 Jerry L. Demings  
249 Orange County Mayor

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

254 By: \_\_\_\_\_  
255 Deputy Clerk

258 s:\gholmes\ordinances\water-wastewater cap. charges (ch. 37 - art. i)\2024-11-01 art. i - capital charges - draft.2.docx