RESOLUTION NO. 93-M-13

A RESOLUTION BY THE ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS (THE "BOARD") TO
ESTABLISH UNIFORM POLICIES, PROCEDURES AND FEES TO GOVERN THE ADMINISTRATION OF ORANGE
COUNTY'S STORMWATER MANAGEMENT UTILITY CREATED BY ORANGE COUNTY ORDINANCE NO. 92-2;
PROVIDING DEFINITIONS; ESTABLISHING RATES, CREDITS, AND EXEMPTIONS; ADDRESSING EXISTING
MUNICIPAL SERVICE TAX UNITS; PROVIDING A LEGAL DESCRIPTION OF THE AREAS OF ORANGE
COUNTY WHERE THE STORMWATER CONSERVATION FEE WOULD BE IMPOSED; AND PROVIDING AN EFFECTIVE
DATE.

WHEREAS, on January 28, 1992, the Board adopted an ordinance providing for the creation of a Stormwater
Management Utility and providing for stormwater conservation fees in Orange County, Florida, without setting a rate with
regard to such fees or actually imposing set fees; and

WHEREAS, on December 22, 1992, the Board adopted a Resolution to give notice of the Board's intent to use the
uniform ad valorem method for collecting non-ad valorem assessments known as "Stormwater Conservation Fees" (without
imposing a rate); and provided a legal description of the areas of Orange County where the Stormwater Conservation Fee
would be imposed; and

WHEREAS, the Board intends to notify all affected property owners by written mail notice;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY
COMMISSIONERS OF ORANGE COUNTY, FLORIDA:

Section 1. Findings.

a. The Orange County Board of County Commissioners has
previously found in Ordinance No. 92-2 that there is a need
for the Stormwater Conservation Fee;

b. The Stormwater Management Department Manager shall
have the responsibility of administering the Stormwater
Utility by establishing equitable billing fees, credits, and applicable corrections and modifications;

c. That funds collected for the existing Lake Advisory Boards in Orange County, including but not limited to the Conway Water and Navigation Advisory Board and the Windermere Water and Navigation Advisory Board, are used primarily for purposes other than stormwater management.

d. That this Resolution is authorized pursuant to Florida Statute 403.08930, and Florida Statutes, Section 125.01, as those sections may be amended and replaced from time to time. This resolution is not being enacted pursuant to the authority of Article IV, Chapter 17, of the Orange County Code.

Section 2. Definitions. The following definitions shall apply to this Resolution:

a. Developer - a person, firm, partnership, corporation, or other entity that excavates, fills, or builds structures, or otherwise improves or develops a specific parcel or tract of land.

b. Drainage area - the land area contributing stormwater run-off to the Orange County Stormwater Management System.

c. Drainage Unit (DU) - a unit of measure which provides a basis for comparing the run-off generated by one parcel with that generated by another. A DU is the weighted
average of impervious area for all single family residential
units in the unincorporated area of the County. The weighted
average impervious area was determined to 2,010 square feet,
and this average shall be used for the purpose of such
computations. The DUs for any parcel are computed by
dividing the parcel's impervious area by 2,010 and rounding
off the nearest tenth. The DU shall be used as the basis for
computing monthly charges on residential and non-residential
properties.

d. Engineer or Professional Engineer of Record - a
person with professional engineering status holding a
certificate of registration under the appropriate Florida
Statutes and Florida Administrative Code.

e. Impervious area - surface areas on or in a parcel of
real property which prevents or severely restricts
infiltration of stormwater into the soil. The impervious
area would consist of the summation of building foundations,
parking lots, interior sidewalks, driveways, exterior patios,
porches and/or slabs, and other water resistant materials.

f. Pollution - the contamination or other alteration of
the physical, chemical, or biological properties of any
natural waters of the County, including change in
temperature, taste, color, turbidity, or odor of the waters,
or the discharge of any liquid, gaseous, solid, radioactive,
or other substance into any such waters as will or is likely
to create a nuisance or render such waters harmful, detrimental, or injurious to the public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

g. Vacant land - a piece or parcel of land that is without any building, structure, appurtenance, or improvement. It does not mean recreation area, green space, or open space created around private or municipal facilities for any reason.

Section 3. Existing MSTUs. The existing Municipal Service Tax Units (MSTUs) which encompass stormwater maintenance and mosquito control will have their respective rates revised in subsequent resolutions in order to include funding only for mosquito control; provided, however, that this section does not apply to Lake Advisory Boards.

Section 4. Rate and Billing Methods.

a. Upon collection the Stormwater Conservation Fee will be put into an account by the County and will be used for the purposes set forth in Ordinance No. 92-2 and this resolution. The initial Stormwater Conservation Fee (SCF) for one DU shall be $3.00 per month, or $36.00 per year.

b. The Orange County Tax Collector's tax bill shall be used as a billing method.
c. The following billing procedures shall be used until revised by a future Resolution.

1) Residential building foundation areas equal to or less than 750 square feet shall be billed at 0.5 DU (this will include single-wide mobile homes).

2) Residential building foundations greater than 750 square feet but less than 5,000 square feet shall be billed at 1.0 DU.

3) Residential building foundations equal to or greater than 5,000 square feet shall be treated as a commercial property in computing DUs, but may be subject to specific credits as set forth herein.

4) Condominium owners shall be billed for their portion of the DUs computed for the complex. For instance, assume a condominium complex has 48,000 square feet of impervious area along with 225 condominium units. Each unit owner would be responsible to pay a fee equal to:

\[
\frac{48,000}{2,010} = 23.9 \text{ total DUs}
\]
\[
\frac{23.9}{225} = 0.1 \text{ DU billed}
\]

Section 5. Exemptions. Any portion of property, shall be exempt from the SCF obligation to the extent that any of the following situations apply:

a. The existence of paved roads built and maintained to County specifications;

b. Above ground or in ground swimming pools;
c. Ponds and lakes (whether natural or artificial);

d. A parcel which is comprised solely of vacant property;

e. A parcel or portion thereof within a municipality;

f. A parcel or portion thereof which is within the Reedy Creek Improvement District, Valencia Drainage District, Zellwood Drainage District, or Ranger Drainage District; unless there is a Municipal Service Taxing Unit (MSTU) within any such district that the County maintains.

Section 6. Credits. The following credits shall be considered in determining the Stormwater Conservation Fee; provided, however, that the maximum credit shall not exceed 50% of the total DUs:

a. Ponds (wet or dry) can be eligible for a 25% credit, provided that they are not maintained by Orange County and that they meet criteria established by the current Subdivision Code. Those ponds (wet or dry) that do not discharge into the County's drainage system under a 100 year storm event and that are not maintained by the County can be eligible for a 50% credit. The above ponds may serve commercial or non-commercial properties. All ponds shall be certified annually by a Professional Engineer to the effect that the pond is being maintained and operated as designed.
b. A 5,000 square feet, or greater, single-family residence will qualify for a 50% credit if the total impervious area is less than 10% of the total parcel area.

c. A 5,000 square feet, or greater, single-family residence will qualify for a 25% credit if the total impervious area is 10% to 20% of the total parcel area.

d. A 5,000 square feet, or greater, single-family residence will not qualify for any standard credit when the impervious area is greater than 20% of the total parcel area, unless Section 6.a. herein is applicable.

e. Areas Affected. Those portions of Orange County not within any municipality and not within the Reedy Creek Improvement District, Ranger Drainage District, Valencia Drainage District, or Zellwood Drainage District, except as noted in Section 5.f. herein would be subject to said Stormwater Conservation Fee, which area is further described on the attached Exhibit "A" and illustrated on the map shown on the attached Exhibit "B".

Section 7. Effective Date. This Resolution shall take effect upon adoption.
ADOPTED THIS 16th DAY OF March, 1993.

ORANGE COUNTY, FLORIDA

BY: Bill Peppers
County Chairman

DATE: MAR 1 7 1993

ATTEST: Martha O. Haynie, County Comptroller
As Clerk of the Board of County Commissioners

BY: Deputy Clerk

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