

MAR 16 1993

REP

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

1 Utility by establishing equitable billing fees, credits, and  
2 applicable corrections and modifications;

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

8 d. That this Resolution is authorized pursuant to  
9 Florida Statute 403.08930, and Florida Statutes, Section  
10 125.01, as those sections may be amended and replaced from  
11 time to time. This resolution is not being enacted pursuant  
12 to the authority of Article IV, Chapter 17, of the Orange  
13 County Code.

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

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

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

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

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

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

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

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

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

18 Section 4. Rate and Billing Methods.

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

24 b. The Orange County Tax Collector's tax bill shall be  
25 used as a billing method.



- 1 c. Ponds and lakes (whether natural or artificial);  
2 d. A parcel which is comprised solely of vacant  
3 property;  
4 e. A parcel or portion thereof within a municipality;  
5 f. A parcel or portion thereof which is within the  
6 Reedy Creek Improvement District, Valencia Drainage District,  
7 Zellwood Drainage District, or Ranger Drainage District;  
8 unless there is a Municipal Service Taxing Unit (MSTU) within  
9 any such district that the County maintains.

10 Section 6. Credits. The following credits shall be  
11 considered in determining the Stormwater Conservation Fee;  
12 provided, however, that the maximum credit shall not exceed  
13 50% of the total DUs:

- 14 a. Ponds (wet or dry) can be eligible for a 25% credit,  
15 provided that they are not maintained by Orange County and  
16 that they meet criteria established by the current  
17 Subdivision Code. Those ponds (wet or dry) that do not  
18 discharge into the County's drainage system under a 100 year  
19 storm event and that are not maintained by the County can be  
20 eligible for a 50% credit. The above ponds may serve  
21 commercial or non-commercial properties. All ponds shall be  
22 certified annually by a Professional Engineer to the effect  
23 that the pond is being maintained and operated as designed.

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1           b. A 5,000 square feet, or greater, single-family  
2 residence will qualify for a 50% credit if the total  
3 impervious area is less than 10% of the total parcel area.

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

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

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

19           Section 7. Effective Date. This Resolution shall take  
20 effect upon adoption.

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ADOPTED THIS 16<sup>th</sup> DAY OF March, 1993.

ORANGE COUNTY, FLORIDA

BY: Bill Douya  
County Chairman

DATE: MAR 17 1993

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

BY: Martha O. Haynie  
Deputy Clerk

