

ORDINANCE 25-36

**AN ORDINANCE OF THE CITY OF WINTER GARDEN,
FLORIDA AMENDING CHAPTER 78, ARTICLE II,
WATER AND SANITARY SEWER SYSTEMS OF THE
CITY OF WINTER GARDEN CODE OF ORDINANCES BY
AMENDING SECTION 78-59 TO MODIFY WATER AND
WASTEWATER IMPACT FEE AMOUNTS, ADOPT
METHODOLOGY FOR WATER AND WASTEWATER
IMPACT FEES AND OTHER RELATED AMENDMENTS;
PROVIDING FOR CONFLICTS, SEVERABILITY,
CODIFICATION AND AN EFFECTIVE DATE**

WHEREAS, the City of Winter Garden, Florida (“City”) owns and operates a water and wastewater system within an exclusive water and wastewater service area;

WHEREAS, the City has adopted a comprehensive plan containing various elements, including a capital improvements element, which projects significant expansions to the City’s water and wastewater system;

WHEREAS, the City is currently constructing its Crest Avenue Wastewater Treatment Facility and Reclaimed Water Expansion and Upgrade Program which has a cost exceeding one hundred and thirty million dollars and it has caused a substantial strain on the City’s water and wastewater system fiscal resources; and

WHEREAS, Florida law authorizes cities to fund capital expansion by imposing and collecting impact fees;

WHEREAS, the City has engaged Raftelis as a consultant who has analyzed the data, applied the dual rational nexus test, and determined that the impact fees adopted by this Ordinance have a reasonable connection, or rational nexus, between the anticipated need for additional capital facilities and the growth in population;

WHEREAS, extraordinary circumstances exist that have been put into the record during the public workshops and public hearings on this Ordinance that justify the need to make the substantial increases in impact fees as adopted by this Ordinance and to not phase in the increases; and

WHEREAS, the City has conducted at least two publicly noticed workshops concerning the impact fee increases set forth herein and has conducted public hearings on this Ordinance before the P&Z Board and City Commission;

WHEREAS, the City Commission hereby accepts and adopts the Raftelis Water and Wastewater Impact Fee Study and methodology for the impact fee changes adopted by this Ordinance and accepts the finding of extraordinary circumstances for the impact fee increases set forth herein;

WHEREAS, the City Commission finds that the impact fees adopted by this Ordinance are in the best interest of and for the health, safety and welfare of the citizens of the City of Winter Garden and users of the City utility system and are consistent with the requirements of Florida Law.

NOW, THEREFORE, BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA, AS FOLLOWS:

Section I Recitals. The recitals above are true and correct and incorporated into as legislative findings of the City Commission.

Section II Adoption. Chapter 78, Article II, Section 78-59 of the City of Winter Garden Code is amended to delete the existing Impact Fee Schedule in subsection (b)(1) and replace it with the Impact Fee Schedule set forth herein and to make the wording changes as reflected below (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

Sec. 78-59. Water and wastewater impact fees.

- (a) *Imposition.* A water impact fee, irrigation impact fee and wastewater impact fee is hereby imposed and levied on all development requesting capacity from the city's water system and/or wastewater system to provide service to their properties and on all properties presently connected to the city's water system or wastewater collection system when structural changes, additions, or changes in permitted use result in an additional impact to the city's water system or wastewater system. The water impact fee, irrigation impact fee and wastewater impact fee will be charged based on water meter size to be installed in accordance with the fee schedule adopted in this section. A water impact fee, irrigation impact fee and wastewater impact fee shall be paid for each individual water meter to be installed. When an existing development increases its water meter size, the development shall pay an additional water, irrigation and wastewater impact fee equal to the difference between the current impact fee charged for the desired increased water meter size and the existing water meter size. The impact fee will be charged over and above any service connection fee, lateral charge, inspection fee, monthly user charge, and monthly service charge as may be established by city from time to time.
- (b) *Impact fees.* Water impact fees, irrigation impact fees and wastewater impact fees shall be paid in accordance with this subsection.
 - (1) *Impact fee schedule.* The following water impact fees, irrigation impact fees and wastewater impact fees shall be paid based on water meter size for each water meter to be connected to the city's system:

Impact Fees for Water and Wastewater Service—Water Meter Based			
Water Meter Size	ERUs	Water Impact Fees	Wastewater Impact Fees
¾" meter	1.00	\$1,086	\$1,767
1" meter	2.50	\$2,715	\$4,418

2" meter	8.00	\$8,688	\$14,136
3" meter	15.00	\$16,290	\$26,505
4" meter	25.00	\$27,150	\$44,175
6" meter	50.00	\$54,300	\$88,350
8" meter	80.00	\$86,880	\$141,360
10" meter	115.00	\$124,890	\$203,205

Description	ERUs	Water Impact Fees		Wastewater Impact Fees		Irrigation Impact Fees	
		Service Level (gpd)	Amount Charged	Service Level (gpd)	Amount Charged	Service Level (gpd)	Amount Charged
<u>Dual Metered Service</u>							
3/4" Meter	1.00	250	\$1,343	250	\$5,843	500	\$2,685
1" Meter	2.50	625	\$3,356	625	\$14,606	1,250	\$6,713
1.5" Meter	5.00	1,250	\$6,713	1,250	\$29,213	2,500	\$13,425
2" Meter	8.00	2,000	\$10,740	2,000	\$46,740	4,000	\$21,480
3" Meter	15.00	3,750	\$20,138	3,750	\$87,638	7,500	\$40,275
4" Meter	25.00	6,250	\$33,563	6,250	\$146,063	12,500	\$67,125
6" Meter	50.00	12,500	\$67,125	12,500	\$292,125	25,000	\$134,250
8" Meter	80.00	20,000	\$107,400	20,000	\$467,400	40,000	\$214,800
10" Meter	115.00	28,750	\$154,388	28,750	\$671,888	57,500	\$308,775
<u>Single Metered Service</u>							
3/4" Meter	1.00	350	\$1,880	250	\$5,843		
1" Meter	2.50	875	\$4,699	625	\$14,606		
1.5" Meter	5.00	1,750	\$9,398	1,250	\$29,213		
2" Meter	8.00	2,800	\$15,036	2,000	\$46,740		
3" Meter	15.00	5,250	\$28,193	3,750	\$87,638		
4" Meter	25.00	8,750	\$46,988	6,250	\$146,063		
6" Meter	50.00	17,500	\$93,975	12,500	\$292,125		
8" Meter	80.00	28,000	\$150,360	20,000	\$467,400		
10" Meter	115.00	40,250	\$216,143	28,750	\$671,888		

(2) *Irrigation meter.* For potable or reclaimed water meters used for irrigation only, the water irrigation impact fee shall be paid for each irrigation meter based on meter size; however, the wastewater impact fee is not charged.

- (3) Single vs. dual meter service. For the purposes of this section, a “single meter service” is a single meter measuring potable water use which could also include irrigation use. For the purposes of this section, a “dual meter service” is two meters separately measuring both potable water and irrigation water use.
- (34) Connection not provided. In the event that the city provides a connection for only water, irrigation or wastewater service to a development, only the impact fee applicable to the service provided shall be paid.
- (c) Payment schedule for impact fees. The water, irrigation and wastewater impact fees based on water meter size as described in this section shall be due and payable as follows:
- (1) New residential development. For proposed residential development, except development described in subsection (c)(2), an amount equal to 50 percent of the water, irrigation and wastewater impact fees based on all requested water meters for the proposed development shall be due and payable to the city at the time of application for a FDEP permit and prior to issuance of the FDEP permit in order to temporarily reserve water and wastewater capacity for the development. When 50 percent of the water, irrigation and wastewater impact fees are paid at the time of application for a FDEP permit, the remaining 50 percent of the water, irrigation and wastewater impact fees shall be paid at the time of application for each building permit requested commencing with the first building permit issued and continuing until 100 percent of the water, irrigation and wastewater impact fees have been paid for the requested water meters which are reserved. The water, irrigation and wastewater impact fee payment made at the time of application for each building permit shall equal 100 percent of the impact fees for water meters associated with the building permit requested, so that the city collects the full amount of water and wastewater impact fees for the development when approximately half of the building permits for the development have been sought. Any sewer and water reserve capacity for and any partial impact fee payment previously made concerning any remaining water meters for the project for which water, irrigation and wastewater impact fees have not been paid in full shall be forfeited by the applicant unless 100 percent of the entire projects' water, irrigation and wastewater impact fees have been paid no later than 24 months after the date of issuance of the FDEP permit or 12 months from the date of final plat approval, whichever comes first. The applicant may choose to pre-pay remaining impact fees for the development in order to avoid forfeiture of reserve capacity and partial impact fee payments. In the event additional water meters are requested for the development that were not originally contemplated when applying for the FDEP permit, 100 percent of water, irrigation and wastewater impact fee associated with such additional water meters shall be paid to the city at the earlier of at the time of application for a building permit associated with water meter requested, and prior to installation of the water meter requested.
- (2) De minimus new residential development. For the following residential development, 100 percent of water, irrigation and wastewater impact fees based on all requested water meters shall be paid at the time application is made to the city for a building

permit that requires use of a water meter(s) and prior to issuance of a building permit: (i) a single user individual lot; or (ii) residential development where no FDEP permit for water or wastewater is required.

- (3) *New nonresidential development.* The water, irrigation and wastewater impact fees for 100 percent of the water meters for a commercial or industrial development are due and payable to the city at the time of application for a FDEP permit, or, if no such permit is required, at the time application is made to the city for a building permit that requires use of the water meter and prior to the issuance of a building permit.
 - (4) *Existing development.* When an existing development increases its water meter size, the development shall pay an additional water, irrigation and wastewater impact fee as specified in this section at the earlier of (i) the time application is made to the city for a building permit that requires use of the larger water meter and prior to the issuance of such building permit; and (ii) prior to the installation of the water meter. When an existing development that is not currently connected to the city's system desires to connect to the city's water and/or wastewater system, the development shall pay the city the applicable impact fees based on water meter size prior to connection to the city's system.
 - (5) *Non-transferable.* Reserved water and wastewater capacity is not transferable to any other property or development. Water, irrigation and wastewater impact fee payments or credits are not transferable to any other property or development and cannot be applied towards other types of impact fees.
 - (6) *Administrative policies.* The city shall have the right to adopt and enforce policies and rules consistent with this section in order to administer the collection of water and wastewater impact fees.
- (d) *Disposition of revenues imposed by water and irrigation impact fee.* All revenues derived from the water and irrigation impact fees imposed by this section shall be accounted for separately in a capital fund of the public services department enterprise fund. Irrigation water is part of the City's water system, thus water impact fees and irrigation impact fees collected will be placed within the same capital fund. All water and irrigation impact fee revenues expended from the impact fee capital fund shall be used for the purpose of providing growth necessitated capital improvements and extending, oversizing, or separating existing water system improvements, or constructing new additions to the water plant, distribution or transmission systems or part thereof as authorized by the city commission, including, but not limited to expenses for: (i) design or construction plan preparation; (ii) permitting and related fees; (iii) land or utility system acquisition, including acquisition or condemnation costs; (iv) construction and design of water systems buildings, facilities, or improvements and additions thereto; (v) design and construction of drainage facilities reasonably required by, or convenient to, the construction of water systems buildings, facilities, or improvements and additions thereto; (vi) relocating utilities required by the construction of water systems buildings, facilities, or improvements and addition thereto; (vii) construction management, inspection, or both; (viii) surveying, soils and material testing, and the evaluation and development of raw water, alternative water,

and reuse water resources and supplies; (ix) acquisition of plant or equipment necessary or convenient to expand the water system; and (x) payment of principal and interest, reserves and costs of issuance under any bonds or other indebtedness issued by the city to fund growth impacted improvements, and additions to the water system. No part of such water impact fee revenues shall be budgeted or used for the operating expenses of the water system.

- (e) *Disposition of revenues imposed by wastewater impact fee.* All revenues derived from the wastewater impact fees imposed by this section shall be accounted for separately in a capital fund of the public services department enterprise fund. All wastewater impact fee revenues expended from the impact fee capital fund shall be used for the purpose of providing growth necessitated capital improvements and extending, oversizing, or separating existing wastewater system improvements, or constructing new additions to the sewer plant, distribution or transmission systems or part thereof as authorized by the city commission, including, but not limited to expenses for: (i) design or construction plan preparation; (ii) permitting and related fees; (iii) land or utility system acquisition, including acquisition or condemnation costs; (iv) construction and design of wastewater systems buildings, facilities, or improvements and additions thereto; (v) design and construction of drainage facilities reasonably required by, or convenient to, the construction of wastewater systems buildings, facilities, or improvements and additions thereto; (vi) relocating utilities required by the construction of wastewater systems buildings, facilities, or improvements and addition thereto; (vii) construction management, inspection, or both; (viii) surveying, soils and material testing, and the evaluation and development of reuse water resources and supplies; (ix) acquisition of plant or equipment necessary or convenient to expand the wastewater system; and (x) payment of principal and interest, reserves and costs of issuance under any bonds or other indebtedness issued by the city to fund growth impacted improvements, and additions to the wastewater system. No part of such wastewater impact fee revenues shall be budgeted or used for the operating expenses of the wastewater system.
- (f) *Disposition of funds not expended.* If the impact fees have not been expended or encumbered by the end of the calendar quarter immediately following six years from the date the fees were paid, upon application of the fee payer of proof of payment or the development for which the fees were paid was never begun, the fees shall be returned with interest at the rate determined by the city based upon the average interest earning rate incurred by the city in accordance with the following procedure:
- (1) The then present owner must petition the city commissioners for the refund within one year following the end of the calendar quarter immediately following six years from the date on which the fee was received.
 - (2) The petition must be submitted to the city manager and must contain:
 - (i) A notarized sworn statement that the petitioner is the current owner of the property;
 - (ii) A copy of the dated receipt issued for payment of the fee;
 - (iii) A certified copy of the latest recorded deed; and

- (iv) A copy of the most recent ad valorem tax bill.
- (3) If reimbursement is approved, the city shall remit to the present owner of the petition within 60 days of approval.
- (g) *Disposition of funds on deposit.* Any funds on deposit in the utilities impact fee fund not immediately necessary for expenditure shall be invested in interest-bearing accounts up to and including interfund loans. Interfund loans shall be made by resolution by the city commission payable in full over time at the prevailing interest rate. Applicants shall not receive a credit for or be entitled to interest from the investment of funds except as provided in subsection (f) above.

Section III **Conflicts.** In the event of a conflict or conflicts between this ordinance and other ordinances, this Ordinance controls.

Section IV **Severability.** If any portion of this Ordinance is determined to be void, unconstitutional, or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

Section V **Codification.** Section II of this Ordinance shall be codified and made a part of the City of Winter Garden Code of Ordinances; that the Sections and exhibits of this Ordinance may be renumbered or relettered to accomplish such intention. The word “Ordinance” may be change to “Section,” “Article,” or other appropriate word.

Section VI **Effective Date.** This Ordinance shall become effective on April 1, 2026 after its adoption.

FIRST READING:

NOV. 13, 2025

SECOND READING AND PUBLIC HEARING:

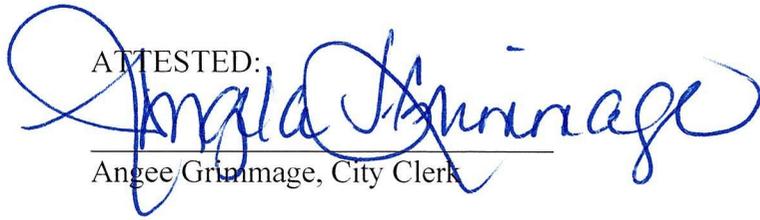
DEC. 11, 2025

APPROVED:




John Rees, Mayor/Commissioner

ATTESTED:



Angee Grinnage, City Clerk

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