



**Planning and Zoning Board
Public Workshop and
Regular Meeting Minutes
November 3, 2025**

A Public Workshop was held at 5:30 pm by Assistant City Manager for Public Services Steve Pash and Vice President Murray Hamilton of Raftelis (Consultant), who gave a presentation prior to the P&Z Board meeting to discuss Ordinance No. 25-36; Amending Chapter 78 (Impact fees for water, wastewater and reclaimed water which included **Exhibit A** – Water and Wastewater Impact Fee Study). There were not any public in attendance of this open workshop. The Planning & Zoning Board Members asked several questions during this workshop and it was adjourned at 6:10 p.m.

1. CALL TO ORDER

Acting Chairman Steve Ambielli called the meeting of the City of Winter Garden Planning and Zoning Board to order at 6:30 p.m. in the City Hall Commission Chambers. A moment of silence was followed by the Pledge of Allegiance. Quorum was declared present.

Present: Co-Chairman Steve Ambielli and Board Members: Linda Bennett, Myron Brown, Jeff Ewing and TJ Ryan.

Absent: Chairman Will Hawthorne (excused) and Board Member Jimmy Dunn (excused).

Staff Present: City Attorney Kurt Ardaman, Assistant City Manager for Public Services Steve Pash, Planning Director Kelly Carson, Senior Planner Yvonne Conatser and Recording Secretary Ellen King.

Attendees: Murray Hamilton of Raftelis, Dirk Arace of Arace Design, Jonathan Green of 110 N Central Avenue, Greg Crawford of T&H 5127 S Orange Avenue, Tracy & Ralph Tingley of 111 N Central Avenue, Jim Rahman of 153 Apopka Street, Jon Harney of 1142 Dunbrooke Street, Jeff Forrest of 1028 Celadon Street, Daniel Diniz Simoes of 15583 Hamlin Blossom Avenue and Gary Boyer of 529 East Crown Point Road, Suite 100.

2. APPROVAL OF MINUTES

Motion by Board Member Ewing to approve the regular meeting minutes of October 6, 2025. Seconded by Board Member Bennett and carried unanimously 5 – 0.

3. ANNEXATION / FUTURE LAND USE MAP AMENDMENT / REZONING (PUBLIC HEARING)

- 3.A. 530, 550, 570, 590, 610 and 630 East Crown Point Road (E Crown Point Complex)
PCD REZONING
Parcel ID #13-22-27-0895-00-120

Planning Director Carson presented a request to rezone the properties located at 530, 550, 570, 590, 610 and 630 East Crown Point Road to a Planned Commercial Development (PCD) to allow development of nine (9) commercial office, warehouse and flex space buildings totaling 203,306 square feet along with site improvements such as parking, open space and landscaping. Staff recommends approval of Ordinance 25-37.

Board members inquired about a listing of allowable uses, traffic study assumption and uses, limitation on semi-trucks coming to the site, community concerns regarding Crown Pointe Cross Road limiting larger vehicles on this road, operating hours, if bars and/or restaurants are allowed and meeting dark sky lighting standards?

City staff referred to Page C-2 of the plan set for allowable uses (also referenced in the Ordinance as an exhibit); the traffic study was based on potential uses of commercial and light industrial/flex space; there are some loading docks proposed and accommodations for this with traffic patterns, widths of the road and drive; city staff will look into Crown Point Cross Road uses for office staff and allowances for heavy vehicles; business hours including deliveries are prohibited between 2 AM – 5 AM; no bars allowed but restaurants /cafes will be allowed with conditions for restaurants serving alcohol and dark sky lighting will be addressed during site plan review.

No one from the Public had any questions or concerns regarding this item.

Motion by Board Member Ambielli to approve the PUD Rezoning of the property located at 530, 550, 570, 590, 610, and 630 East Crown Point Road with staff conditions. Seconded by Board Member Brown and carried unanimously 5 – 0.

4. **VARIANCE (PUBLIC HEARING)**

- 4.A. 111 N Central Avenue (Tingley Property) VARIANCE
Parcel ID #14-22-27-1728-05-180

Senior Planner Conatser presented a Variance request for the property located at 111 N Central Avenue to allow a rear yard setback of 10 feet for a detached garage with a wall height of 9 feet – 4 inches and roof peak height of 17 feet for the detached garage. Staff recommends approval subject to staff conditions.

City staff noted a concern from the adjacent property owner regarding location of the rear property line. The following condition was added: “The applicant will hire a licensed surveyor to stake the property corners. The applicant will provide photographic documentation of the markers and coordinate a meeting with the

adjacent property owners to discuss before submitting a building permit application for the detached garage”.

Board members inquired about the possibility of moving the garage closer to the house and if any trees will be impacted? City staff stated the detached garage typically needs more space to maneuver around the driveway, what applicants have proposed is more in line with other detached garages in the historic district and will eliminate dead space behind the garage. There are plans to preserve a tree in the front yard by moving the house further back on the lot but no trees are adversely impacted.

This item was opened to the Public. Dirk Arace of 3565 Terra Oaks Ct, Longwood, FL, Owner Representative, clarified the reason for the variance requests. Jim Rahman of 153 Apopka Street, was in support of the variance requests. John Branelli lives right across the street, inquired about the alignment of the abandoned alleyway and added this would be a nice addition to the neighborhood. City staff explained the abandoned alleyway was vacated which gave an additional 5’ to the Tingley’s and 5’ to the Wilsons. This setback does include the Tingley’s five (5) feet of vacated alleyway and a condition has been added for this reason.

Motion by Board Member Bennett to approve the Variance at the location of 111 N Central Avenue subject to staff conditions along with the provision of a licensed surveyor to verify the rear property lines. Seconded by Board Member Ewing and carried unanimously 5 – 0.

4.B. 15583 Hamlin Blossom Avenue – VARIANCE
Parcel ID # 33-22-27-3601-02-890

Senior Planner Conatser presented a Variance request for the property located at 15583 Hamlin Blossom Avenue to allow an eight (8) foot – six (6) inch rear yard setback to construct a covered porch with outdoor kitchen and they have approval from their HOA. Staff recommends approval subject to staff conditions.

No Board members nor the Public had any questions or concerns regarding this item.

Motion by Board Member Ewing to approve the Variance at the location of 15583 Hamlin Blossom Avenue subject to staff conditions. Seconded by Board Member Ryan and carried unanimously 5 – 0.

5. **CITY OF WINTER GARDEN CODE UPDATES (PUBLIC HEARING)**

5.A. Ordinance 25-38 – Code Amendment – Chapter 118 – Certified Recovery Residences

Planning Director Carson presented a request to amend City of Winter Garden Code of Ordinances Chapter 118, Zoning, Article II, Division 4 to add a new section 118-136 which will establish regulations and procedures for certified recovery residences, including a process for requesting reasonable accommodations as required by Chapter 2025-182, Laws of Florida. The purpose of this ordinance is to confirm the regulations of Chapter 2025-182, Laws of Florida (SB 954), which requires cities adopt a process for approving reasonable accommodations for certified recovery residences. Staff recommends approval of Ordinance 25-38.

Board members inquired about what zoning classifications would be allowed. City staff stated all categories in any residential area but cannot supersede Homeowner Association requirements.

No one from the Public had any questions or concerns regarding this item.

Motion by Board Member Ambielli to approve Ordinance 25-38. Seconded by Board Member Brown and carried unanimously 5 - 0.

5.B. Ordinance 25-36 – Amending Chapter 78 – Impact fees for water, wastewater, and reclaimed water

Assistant City Manager for Public Services Pash presented a request to approve Ordinance 25-36 to amend City of Winter Garden Code of Ordinances Chapter 78, Article II, Water and Sanitary Sewer Systems to increase Water, Wastewater and Irrigation Impact Fees. A revised Ordinance 25-36 (**Exhibit B**) was distributed to the board members during the earlier workshop as there was an elimination of a footnote, a number in the table and defined single and dual meter service. These were last updated in 2011 and was discussed in the previous workshop. Costs have significantly increased since 2011 and fees are based on growth related to services, facilities and major equipment. The city is also required to improve and expand the wastewater treatment plant as well as reclaim water lines by state mandated requirements. Due to these extraordinary circumstances for the city, the fees will help pay for system improvements. Staff recommends approval of Ordinance 25-36.

Board members inquired if the city has only one wastewater treatment facility? City staff stated yes there is one wastewater treatment facility on Lake Apopka located on Crest Avenue with multiple water treatment facilities.

No one from the Public had any questions or concerns regarding this item.

Motion by Board Member Bennett to approve Ordinance 25-36. Seconded by Board Member Ewing and carried unanimously 5 - 0.

Chairman Steve Ambielli adjourned the meeting at 7:08 pm. Adjourned to the regular Planning and Zoning Board meeting on Monday, December 1, 2025 at 6:30 p.m. in City Hall Commission Chambers, 300 W. Plant Street, Winter Garden, Florida.

ATTEST:

/S/

Recording Secretary Ellen King

APPROVED:

/S/

Chairman Will Hawthorne

Item 5.B - Water and Wastewater Impact Fee Study Presentation

City of Winter Garden

Water and Wastewater Impact Fee Study

Prepared on: October 2, 2025



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Study Objectives and Tasks

- Review water and wastewater impact fees
 - › Type of capacity charge or connection fee paid by each new connection to the water and/or wastewater system
- Update the existing fees by evaluating the system's investments in current and future treatment and transmission capacities available to serve new customer growth

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Purpose of Impact Fees

- Fees paid by new developments that create demand for system capacity
- Fees are used to pay for project costs or debt service associated with growth-related facilities and major equipment
- Avoids burdening existing customers with growth-related costs
 - › Helps ensure growth pays for growth
- The city last updated the fee levels in Fiscal Year 2011

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Impact Fee Criteria

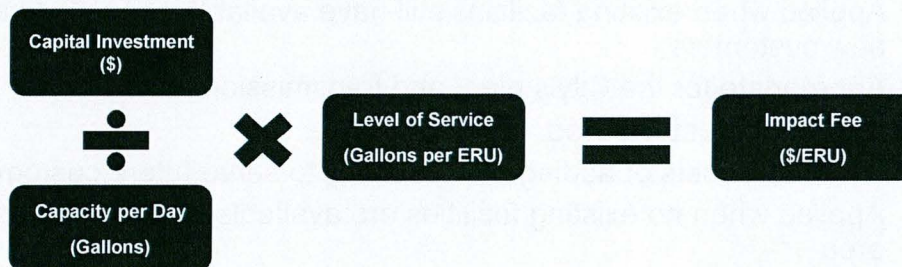
- Fees must be reasonably equitable to all parties - dual rational nexus
 - › Fees must be based on the capital cost requirements anticipated for providing service-related facilities to new development
- Fees must be based upon reasonable level of service (LOS) standards that meet the needs of the City
- Fees must be accounted for in separate funds and cannot be used to fund deficiencies in capital needs of the utility or pay for what would generally be considered an operating expense

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Development of Impact Fees

- Three major components:
 - › The amount of expansion-related capital costs to be recovered
 - › Capacity of the expansion-related facilities
 - › The level of service (LOS) apportioned to the applicant requesting capacity per equivalent residential dwelling unit (ERU)



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Development of Impact Fees (cont.)

- Cost Methodology
 - › Recovers the cost of supply, treatment, and backbone transmission
 - Existing assets with available capacity to serve new growth
 - Proposed new capital projects benefitting new customers
 - › Excludes local or on-site water distribution / wastewater collection system costs
 - Generally contributed by developers or funded separately through line extension fees or assessments
 - › Excludes grant funded projects, minor equipment, and vehicles

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6

Cost Recovery Approach

- There are two widely recognized approaches for calculating water and wastewater impact fees
 - › System Buy-In Method
 - Considers both the value of existing infrastructure and costs associated with near-term expansion projects and/or system-wide improvements
 - Applied when existing facilities still have available capacity to serve new customers
 - Appropriate for the City’s plant and transmission facility costs
 - › Incremental Cost Method
 - Evaluates costs of adding new capacity to serve future customers
 - Applied when no existing facilities are available to serve the benefit area

7

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Investment in Current Facilities

Description	Water System	Wastewater System
<u>Included in the Impact Fee</u>		
Treatment Plant	\$23,107,287	\$33,988,864
Transmission	<u>18,087,388</u>	<u>19,492,708</u>
Total System Costs	\$41,194,675	\$53,481,572
<u>Excluded from the Impact Fee</u>		
Local and On-site Facilities	\$33,737,363	\$31,868,619
Other Investments	<u>2,083,493</u>	<u>3,460,794</u>
Total Excluded Investments	<u>\$35,820,856</u>	<u>\$35,329,413</u>
Total System Assets	\$77,015,530	\$88,810,985

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Credits Against Current Facilities

Description	Water System	Wastewater System
<u>Existing Assets Reduced for Historical Grants</u>		
Treatment Plant	\$2,502,637	\$0
Transmission	<u>2,441,456</u>	<u>168,629</u>
Total Grants Used to Fund System Costs	\$4,944,093	\$168,629

9

Planned Future Investments

Description	Water System	Wastewater System
<u>Planned Investments (Excludes Grant Revenues)</u>		
Treatment Plant	\$7,233,560	\$115,950,000
Transmission	<u>22,507,460</u>	<u>720,500</u>
Total Planned Investments	\$29,741,020	\$116,670,500

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Proposed Changes to Service Levels

- Water System
 - › Current Standard of 350 GPD (including irrigation)
 - › Recommend Water LOS based on actual customer demands incurred on the system as follows:
 - Dual Metered Service: 250 GPD per ERU for indoor meter and 500 GPD per ERU for irrigation meter
 - Single Metered Service: 350 GPD per ERU, which includes an allowance of 100 GPD for discretionary uses, like irrigation
- Wastewater System
 - › No changes recommended
 - › 250 GPD per ERU as adopted

11

11

Existing & Proposed Fees

Description	Water Impact Fees			Wastewater Impact Fees		Irrigation Impact Fees	
	ERUs	Service Level (gpd)	Amount Charged	Service Level (gpd)	Amount Charged	Service Level (gpd)	Amount Charged
Existing Impact Fee per Gallon			\$3.10		\$7.07		\$3.10
Proposed Impact Fee per Gallon			\$5.37		\$23.37		\$5.37
Increase (Decrease) - \$			\$2.27		\$16.30		\$2.27
Increase (Decrease) - %			73.1%		230.6%		73.1%
<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		

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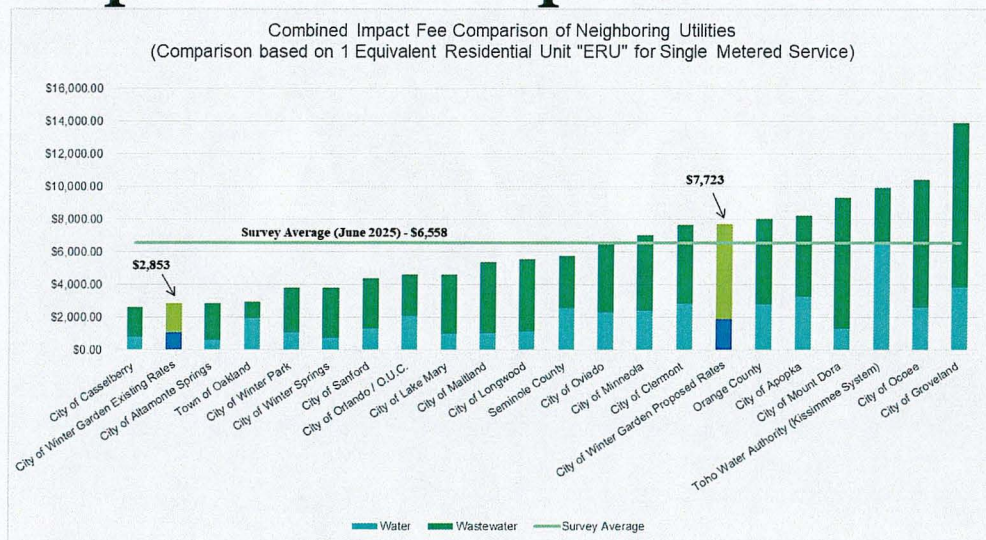
Why Fees Differ Among Utilities

- Source of Supply
- Proximity to Source of Supply
- Type of Treatment
- Availability of Grant Funding
- Utility Life Cycle (growth-oriented vs. mature)
- Level of Service per ERU
- Age of System
- Density / Size of System

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Comparison of Proposed Fees



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14

Recommendations

- The City's existing water and wastewater impact fees are not adequate to recover the existing and planned investments necessary to provide capacity to serve the needs of new development
- The City Commission should consider adopting the proposed water and wastewater impact fees after providing at least a 90 days notice before implementing charges

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Q / A



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Thank you!

Contact:

Murray Hamilton, Project Director

Trevor McCarthy, Manager

407-628-2600

New Phase-In Limitations on Increasing Impact Fees

- Increase up to 25 percent of the current rate must be implemented in two equal annual increments
- Increase between 25 percent and 50 percent of the current rate must be implemented in four equal installments
- Increase may not exceed 50 percent of the current impact fee rate
- An impact fee may not be increased more than once every 4 years

Above phase-in limitations apply unless City Commission makes a finding of [extraordinary circumstances](#)

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Extraordinary Circumstances

- Rapid population growth
 - › The City experienced a 4.86% annual average increase in population from 2020 to 2025 while the State of Florida averaged 1.30% per year for the period
 - › City's consulting engineer estimates continued population growth of at least 2.86% per year over the next 5 years or a population increase of more than 9,000 residents
 - › Strong population growth over the next several years necessitates the expansion of facilities and infrastructure to maintain levels of service
 - Ensures service reliability
 - Protects the public's health and safety
- Significant construction cost inflation in all programs
 - › Specifically, the estimated Crest Avenue Wastewater Treatment Facility (WWTF) Expansion increased from \$46 million (FY2022) to \$133 million

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Extraordinary Circumstances (cont.)

- Compliance with Regulatory Requirements
 - › Enacted by the Florida Legislature in 2020, the Clean Waterways Act includes water quality protection provisions intended to reduce the impact of nutrient pollution sources on Florida waters by strengthening certain Basin Management Action Plan (BMAP) requirements
 - The City’s Crest Avenue Wastewater Treatment Facility (WWTF) is located in the Primary Focus Area (PFA) of the Wekiwa and Rock Springs BMAP and is required to comply with effluent water quality standards therein
 - Improvements funded, in part, by wastewater impact fees will ensure the City’s compliance with the standards

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Extraordinary Circumstances (cont.)

- Lack of water resources
 - › In 2022, the City prepared a Reclaimed Water Facility Plan, which identifies short, mid, and long-term reclaimed water projects to address BMAP requirements, consumptive use permit (CUP) conditions, recent state legislation and the needs of new reclaimed water customers
 - › Short-term projects are focused on water distribution storage and transmission while mid-term projects also include rapid infiltration basins (RIBs)
 - › Investment in reclaimed water improvements funded, in part, by irrigation impact fees helps to extend the capacity of the potable water system
- Expansion-related debt
 - › The City issued \$70.6 million in Series 2025 Bonds to fund a portion of the WWTF Expansion and Reclaimed Water Facility Plan projects
 - › Water and wastewater impact fees are a pledged revenue for the repayment of the bonds

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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
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- (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: _____.

SECOND READING AND PUBLIC HEARING: _____.

APPROVED:

John Rees, Mayor/Commissioner

ATTESTED:

Angee Grimage, City Clerk

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