

ORDINANCE NO. 2026-4

AN ORDINANCE OF THE TOWN OF EATONVILLE, FLORIDA, AMENDING CHAPTER 43, "IMPACT FEES," OF THE TOWN LAND DEVELOPMENT CODE; ADOPTING THE TOWN OF EATONVILLE WATER AND WASTEWATER CAPACITY FEE STUDY, DATED MAY 13, 2026; CREATING ARTICLE VI, "WATER AND WASTEWATER CAPACITY FEES;" PROVIDING DEFINITIONS AND LEGISLATIVE FINDINGS; ESTABLISHING THE WATER CAPACITY FEE AND WASTEWATER CAPACITY FEE; PROVIDING FOR THE USE OF FEES COLLECTED; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Town of Eatonville is experiencing growth and development, which necessitates the expansion and improvement of public facilities and services to accommodate the needs of the growing population; and

WHEREAS, the Town does not currently assess water or wastewater capacity fees for new connections to the Town's water or wastewater utility systems; and

WHEREAS, the Town retained the Florida Rural Water Association (the "FRWA") to conduct a water and wastewater capacity fee study (the "Capacity Fee Study"), attached hereto as **Exhibit A** and incorporated herein, to capture the costs associated with running its water and wastewater utility systems and protecting the Town's vital infrastructure; and

WHEREAS, on May 19, 2026, the FRWA presented the findings from the Capacity Fee Study to the Town Council at a public workshop and presented two Options for establishing both water and wastewater capacity fees to account for new growth in the Town and additional demands on the Town's water and sewer systems' infrastructure; and

WHEREAS, Option A, which uses the "Remaining Useful Life Basis" to determine the existing cost of operating the Town's water and sewer systems' infrastructure, recommends an evaluated water capacity fee of \$1,530.00 per Equivalent Residential Connection ("ERC") and an evaluated wastewater capacity fee of \$540.00 per ERC; and

WHEREAS, Option B, which uses the "Replacement Value Basis" to determine the true and sustainable cost of operating the Town's water and sewer systems' infrastructure, recommends an evaluated water capacity fee of \$4,620.00 per ERC and an evaluated wastewater capacity fee of \$2,440.00 per ERC; and

WHEREAS, the Town Council has determined it is in the best interests of the Town to adopt the recommendations of the Capacity Fee Study and implement "Option

Commented [HRN1]: A or B

WHEREAS, revenues will be deposited in restricted capacity fee trust accounts and used only for water/wastewater capacity, expansion, or growth-related capital improvements; and

WHEREAS, the Town Council finds that the proposed capacity fees were calculated based on the most recent and localized data collected and analyzed by the FRWA and are proportional and reasonably connected to the need for additional capital facilities and the growth in population generated by a new development; and

WHEREAS, adoption of the Capacity Fee Study and implementation of water and wastewater capacity consistent with the Study, as set forth herein, is in the best interest of the citizens of the Town of Eatonville.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF EATONVILLE:

SECTION 1. Recitals and legislative findings. The above recitals and legislative findings are ratified and made a part of this Ordinance.

SECTION 2. Amendment. Chapter 43 – *Impact Fees* of the Town of Eatonville Land Development Code is hereby amended as follows:

*[Strikethroughs indicate deletions; Underlines indicate additions; asterisks (***) indicate an omission from the existing text which is intended to remain unchanged.]*

ARTICLE I. – GENERALLY

Sec. 43-2. – Intent and purpose.

- (a) The intent of the town council is to ensure that its impact fee schedules reflect the most recent and localized data pertaining to growth patterns in the town and the cost of capital facilities necessary to provide police protection, parks and recreation, water and wastewater services, and general government and administrative services for new development.

ARTICLE VI. – WATER AND WASTEWATER CAPACITY FEES

Sec. 43-70. – Adoption of capacity fee study.

The Council hereby adopts and incorporates by reference the “Water & Wastewater Capacity Fee Report,” dated May 13, 2026, including the assumptions, conclusions, and findings therein. Copies of the study shall be on file and available for public inspection in the office of the town clerk.

Sec. 43-71. – Definitions applicable to water and wastewater capacity fees.

In addition to the general definitions contained in section 43-3, the following terms shall have the following meanings as used in this article:

ERC shall mean Equivalent Residential Connection.

Water facilities include water supply, treatment, storage, distribution, and disposal of treatment residuals.

Wastewater facilities include sewage collection, pumping (lift stations), and metering.

Sec. 43-72. – Legislative findings applicable to water and wastewater impact fees.

In addition to the general legislative findings contained in section 43-4, the Council hereby specifically ascertains, determines, and declares as follows:

- (a) The data set forth in the water and wastewater capacity fee study, which was employed in the calculation of the water and wastewater capacity fee rates adopted herein, is the most recent and localized data available for the water and wastewater facilities.
- (b) Development necessitated by the growth contemplated in the comprehensive plan and the water and wastewater capacity fee study will require improvements and additions to the water and wastewater facilities to accommodate the new development generated by such growth and maintain the standards of water and wastewater services provided by the town.
- (c) The Council specifically finds that the water and wastewater facilities benefit all residents and businesses within the town and, therefore, the water and wastewater capacity fees shall be imposed on all new connections, or additions to existing connections, to the water and wastewater utility systems located within the town in the amounts set forth in this article.

Sec. 43-73. – Imposition of water and wastewater capacity fees.

All new connections to the water and wastewater utility systems located within the town shall pay the following water and wastewater capacity fees:

- (a) The potable water capacity fee for applicants connecting within the town shall be \$ [redacted] per ERC.
- (b) The wastewater capacity fee for applicants connecting within the town shall be \$ [redacted] per ERC.

Commented [HRN2]: \$1,530.00/ERC or \$4,620.00/ERC

Commented [HRN3]: \$540.00/ERC or \$2,440.00/ERC

Sec. 43-74. – Use of water and wastewater capacity fees.

- (a) The Council hereby creates the “Water Capacity Fee Trust Account,” which shall be maintained separate and apart from all other town accounts.

- (1) All water capacity fees shall be deposited into the Water Capacity Fee Trust Account immediately upon receipt. The monies deposited into the Water Capacity Trust Fund must be used solely to provide capital improvements and infrastructure to the water system required to serve new growth and development. Funds on deposit in the Water Capacity Trust Fund will not be used for any expenditure that would be classified as a maintenance or repair expense.
 - (2) Any water capacity fee proceeds on deposit which are not immediately necessary for expenditure may be held in an interest-bearing account or invested by the town. All income derived from such interest on investments will be deposited in the Water Capacity Fee Trust Account and used as provided herein.
- (b) The Council hereby creates the “Wastewater Capacity Fee Trust Account,” which shall be maintained separate and apart from all other town accounts.
- (1) All wastewater capacity fees shall be deposited into the Wastewater Capacity Trust Account immediately upon receipt. The monies deposited into the Wastewater Capacity Trust Fund must be used solely to provide capital improvements and infrastructure to the wastewater system required to serve new growth and development. Funds on deposit in the Wastewater Capacity Trust Fund will not be used for any expenditure that would be classified as a maintenance or repair expense.
 - (2) Any wastewater capacity fee proceeds on deposit which are not immediately necessary for expenditure may be held in an interest-bearing account or invested by the town. All income derived from such interest on investments will be deposited in the Wastewater Capacity Fee Trust Account and used as provided herein.

Secs. 43-75. — 43-79. - Reserved.

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SECTION 3. Codification. It is the intent of the Town Council that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal authority in codifying the provision of this Ordinance.

SECTION 4. Conflicts. All Town ordinances or parts thereof in conflict with this Ordinance are, to the extent of such conflict, repealed.

SECTION 5. Severability. Should any word, phrase, sentence, article, or section be held by applicable law or a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then that word, phrase, sentence, article, or section so held shall be severed from this Ordinance and all other words, phrases, sentences, articles, and sections shall remain in full force and effect.

SECTION 6. Effective date. This Ordinance shall become effective ninety (90) days from the date of its adoption, in accordance with § 163.31801, *Florida Statutes*.

Upon motion duly made and carried, the foregoing Ordinance was approved upon its first reading on the ____ day of _____ 2026.

Upon motion duly made and carried, the foregoing Ordinance was approved and adopted upon its second reading on the ____ day of _____ 2026.

TOWN OF EATONVILLE

Ruthi Critton, Mayor

ATTEST:

Veronica King, Town Clerk

EXHIBIT A

Florida Rural Water Association
Water & Wastewater Capacity Fee Report
Dated: May 13, 2026