

SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM

(THIS IS NOT A PUBLIC HEARING ITEM)

(CONTINUED FROM THE OCTOBER 25, 2004 REGULAR MEETING)

SUBJECT: APPEAL OF AN ADMINISTRATIVE DECISION OF THE PLANNING MANAGER TO DENY THE REPLACEMENT AND/OR REPAIR OF A NONCONFORMING OUTDOOR ADVERTISING SIGN WITH MORE THAN 50 PERCENT OF ITS SUPPORTING MEMBERS DAMAGED IN THE A-1 (AGRICULTURE DISTRICT); (NATIONAL ADVERTISING COMPANY / GLENN N. SMITH, APPELLANTS).

DEPARTMENT: Planning & Development DIVISION: Planning

AUTHORIZED BY: Earnest McDonald CONTACT: Earnest McDonald EXT: 7430

Agenda Date 11-15-04 Regular  Consent  Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. UPHOLD AN ADMINISTRATIVE DECISION OF THE PLANNING MANAGER TO DENY THE REPLACEMENT AND/OR REPAIR OF A NONCONFORMING OUTDOOR ADVERTISING SIGN WITH MORE THAN 50 PERCENT OF ITS SUPPORTING MEMBERS DAMAGED IN THE A-1 (AGRICULTURE DISTRICT); (NATIONAL ADVERTISING COMPANY / GLENN N. SMITH, APPELLANTS).
2. REVERSE AN ADMINISTRATIVE DECISION OF THE PLANNING MANAGER TO DENY THE REPLACEMENT AND/OR REPAIR OF A NONCONFORMING OUTDOOR ADVERTISING SIGN WITH MORE THAN 50 PERCENT OF ITS SUPPORTING MEMBERS DAMAGED IN THE A-1 (AGRICULTURE DISTRICT); (NATIONAL ADVERTISING COMPANY / GLENN N. SMITH, APPELLANTS).
3. CONTINUE THE REQUEST TO A TIME AND DATE CERTAIN.

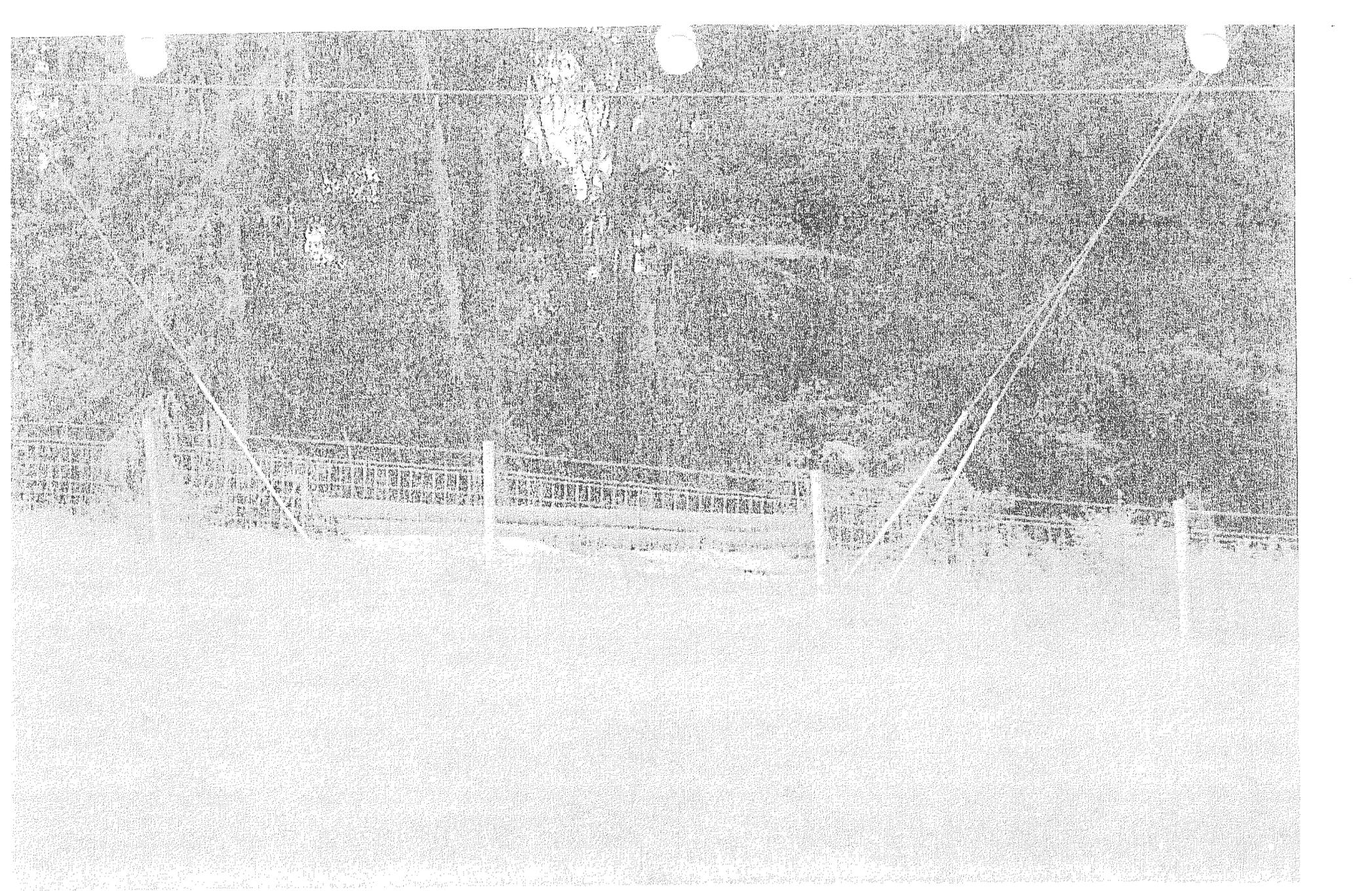
(Earnest McDonald, Principal Coordinator)

GENERAL INFORMATION	NATIONAL ADVERTISING COMPANY & GLENN N. SMITH, ESQ., APPELLANTS 1675 DIXON ROAD LONGWOOD, FL 32779	SEMINOLE COUNTY LAND DEVELOPMENT CODE (LDC); SECTIONS 30.1246(a)(1)
BACKGROUND / REQUEST	<ul style="list-style-type: none"> <li>• THE SUBJECT OUTDOOR ADVERTISING SIGN IS AN EXISTING NONCONFORMING BILLBOARD, WHICH IS AN UNPERMITTED USE IN THE A-1 (AGRICULTURE DISTRICT).</li> <li>• A VISUAL INSPECTION OF THE SIGN FOLLOWING HURRICANE CHARLY REVEALED THAT MORE THAN 50</li> </ul>	

	<p>PERCENT OF THE BILLBOARD HAD BEEN DAMAGED BY THE STORM EVENT.</p> <ul style="list-style-type: none"><li>• IN A LETTER DATED AUGUST 26, 2004, THE PLANNING MANAGER INFORMED THE APPELLANT OF THE BILLBOARD'S NONCONFORMITY IN THE A-1 DISTRICT AND THE INABILITY TO REPLACE OR REPAIR THE STRUCTURE, WHICH VISUALLY APPEARED TO HAVE MORE THAN 50 PERCENT OF ITS COMPONENTS DAMAGED FOLLOWING HURRICANE CHARLY.</li><li>• THE PLANNING MANAGER PROVIDED THE APPELLANT 30 DAYS TO REMOVE THE BILLBOARD OR REFER THE MATTER TO THE CODE ENFORCEMENT BOARD.</li><li>• ON SEPTEMBER 24, 2004, THE APPELLANTS APPEALED THE PLANNING MANAGER'S DECISION TO THE BOARD OF ADJUSTMENT.</li><li>• THIS ITEM WAS CONTINUED FROM THE OCTOBER 25, 2004 REGULAR MEETING OF THE BOARD BY REQUEST OF THE APPELLANT.</li></ul>
<p><b>STAFF FINDINGS</b></p>	<ul style="list-style-type: none"><li>• STAFF HAS DETERMINED THE BILLBOARD WAS ISSUED A DEPARTMENT OF TRANSPORTATION (DOT) PERMIT IN 1969, THE YEAR WHEN THE STATE BEGAN REGULATING OUTDOOR ADVERTISING SIGNS. STAFF BELIEVES THE EXISTING BILLBOARD WAS ERECTED IN THAT YEAR, SINCE THERE ARE NO OTHER AVAILABLE BUILDING RECORDS TO CONFIRM THE SAME.</li><li>• IN 1969, OUTDOOR ADVERTISING SIGNS WERE A PERMITTED USE IN THE A-1 DISTRICT, WHICH STAFF BELIEVES INCOMPASSED BILLBOARDS AT THE TIME. SUBSEQUENT AMENDMENTS TO THE CODE RENDERED THE EXISTING SIGN A NONCONFORMING USE.</li><li>• THE APPELLANTS ALLEDGE THAT BY VIRTUE OF EXECUTIVE ORDER NO. 04-182, WHICH DECLARED A STATE OF EMERGENCY THROUGHOUT THE STATE OF FLORIDA AND AUTHORIZED EMERGENCY REPAIR/REPLACEMENT/RESTORATION OF STRUCTURES DAMAGED BY HURRICANE CHARLY (INCLUDING BILLBOARDS), THE SUBJECT BILLBOARD CAN EITHER BE REPAIRED OR REPLACED.</li><li>• THE APPELLANT FURTHER ASSERTS THAT OUTDOOR ADVERTISING SIGNS ARE ALLOWED IN ANY NON-RESIDENTIAL ZONING DISTRICT, INCLUDING A-1. HOWEVER, THE APPELLANT HAS YET TO SUBSTANTIATE HOW THE SUBJECT BILLBOARD ADVANCES THE PUBLIC INTEREST, WHICH WOULD BE THE DETERMINANT FOR ALLOWING AN OUTDOOR ADVERTISING SIGN IN THE A-1 DISTRICT UNDER SECTION 30.1253(d) OF THE LDC.</li><li>• PART 7, A-1 (AGRICULTURE DISTRICT) OF THE LDC PROHIBITS THE ESTABLISHMENT OF OUTDOOR ADVERTISING SIGNS (BILLBOARDS) EITHER BY RIGHT,</li></ul>

	<p>THROUGH LIMITED USE OR SPECIAL EXCEPTION.</p> <ul style="list-style-type: none"> <li>• STAFF HAS DETERMINED THE EXISTING BILLBOARD TO BE A NONCONFORMING SIGN, ERECTED PRIOR TO THE ADOPTION OF THE CURRENT STANDARDS WHICH PROHIBIT THE SAME.</li> <li>• SECTION 30.1246 (NONCONFORMING SIGNS) OF THE LDC FURTHER PROHIBITS THE REPLACEMENT OR REPAIR OF EXISTING NONCONFORMING SIGNS UNDER CERTAIN CIRCUMSTANCES AND READS AS FOLLOWS:             <ul style="list-style-type: none"> <li>○ <i>SECTION 30.1246(a)(1); OUTDOOR ADVERTISING SIGNS. SIGNS THAT ARE NONCONFORMING DUE TO ZONING MAY NOT BE MOVED, STRUCTURALLY ALTERED, OR REPAIR WORK ACCOMPLISHED THAT WOULD REQUIRE REPLACEMENT OF FIFTY (50) PERCENT OR ANY ONE (1) SIGN'S SUPPORTING MEMBERS WITHOUT COMPLYING TO ALL PROVISIONS OF THIS PART.</i></li> </ul> </li> <li>• FIELD VISITS ON AUGUST 19 AND 20, 2004 CONFIRMED DAMAGES TO THE EXISTING BILLBOARD, WHICH VISUALLY APPEARED TO AFFECT MORE THAN 50 PERCENT OF THE STRUCTURE'S COMPONENTS. THE ATTACHED PHOTOGRAPHS DEPICT THE VISUAL FINDINGS OF THE FIELD VISITS, INCLUDING REPAIRS TO THE STRUCTURE THAT WERE BEING CONDUCTED AT THE TIME OF INSPECTION BY STAFF.</li> </ul>
<p><b>STAFF RECOMMENDATION</b></p>	<p>BASED ON THE STATED FINDINGS, STAFF RECOMMENDS THE BOARD OF ADJUSTMENT UPHOLD AN ADMINISTRATIVE DECISION OF THE PLANNING MANAGER TO DENY THE REPLACEMENT AND/OR REPAIR OF A NONCONFORMING OUTDOOR ADVERTISING SIGN WITH MORE THAN 50 PERCENT OF ITS SUPPORTING MEMBERS DAMAGED IN THE A-1 (AGRICULTURE DISTRICT).</p>

- ATTACHMENTS:**
- PHOTOGRAPHS
  - APPEAL APPLICATION TO BOA
  - STAFF CORRESPONDENCE
  - APPELLANT CORRESPONDENCE
  - LDC SECTION 30.1246(a)(1)
  - EMERGENCY FINAL ORDER
  - PROPERTY APPRAISER REPORT
  - SITE MAP







Seminole County Building Department

# STOP WORK ORDER

Work on this project is being stopped because of *insufficient bonding*.

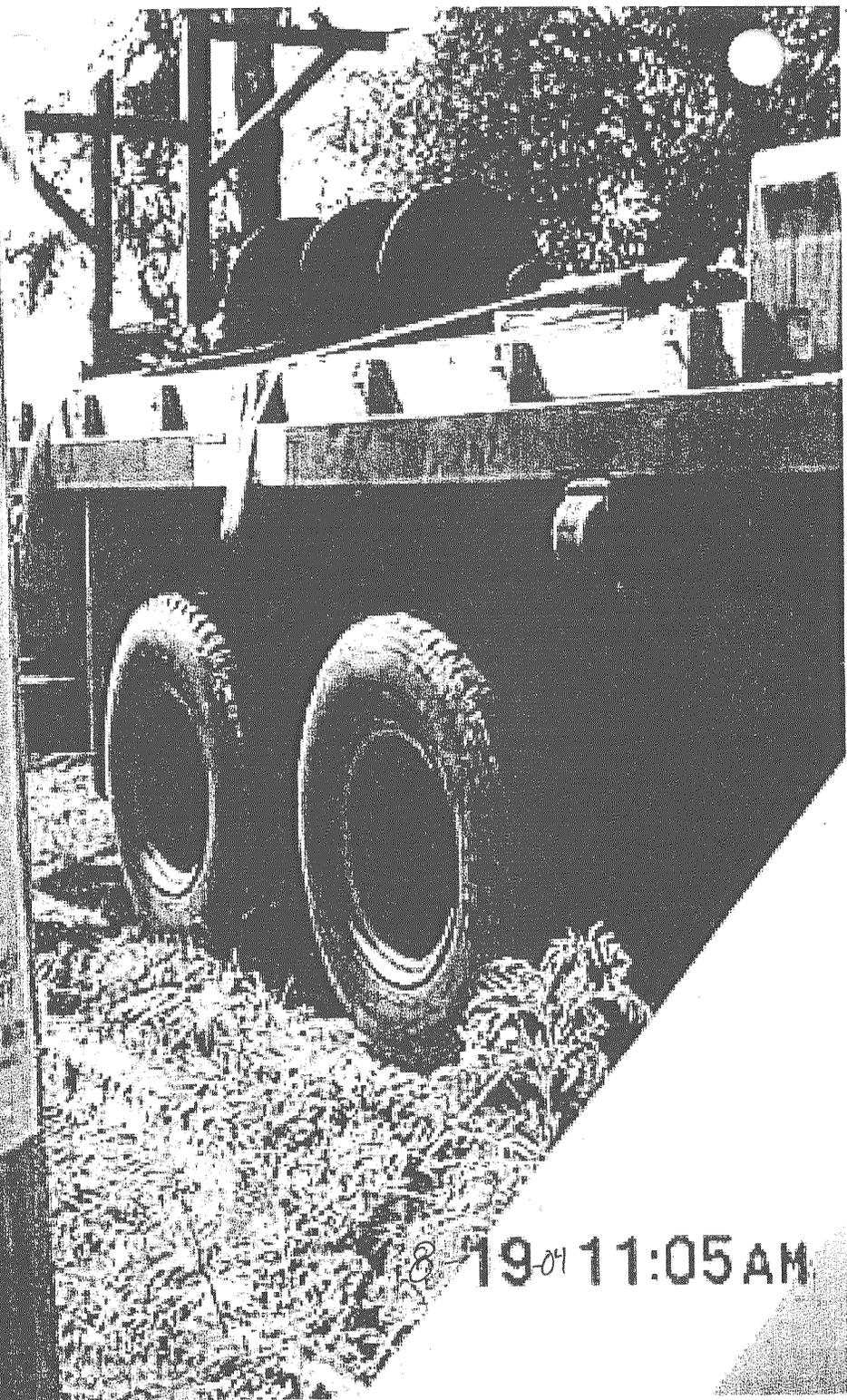
Work on this project is being stopped because of *insufficient bonding*.

Work on this project is being stopped because of *insufficient bonding*.

## IMPORTANT NOTICE

727-567-1333  
**MATT WINT**  
LARRY GOLDMAN  
JACK RAY

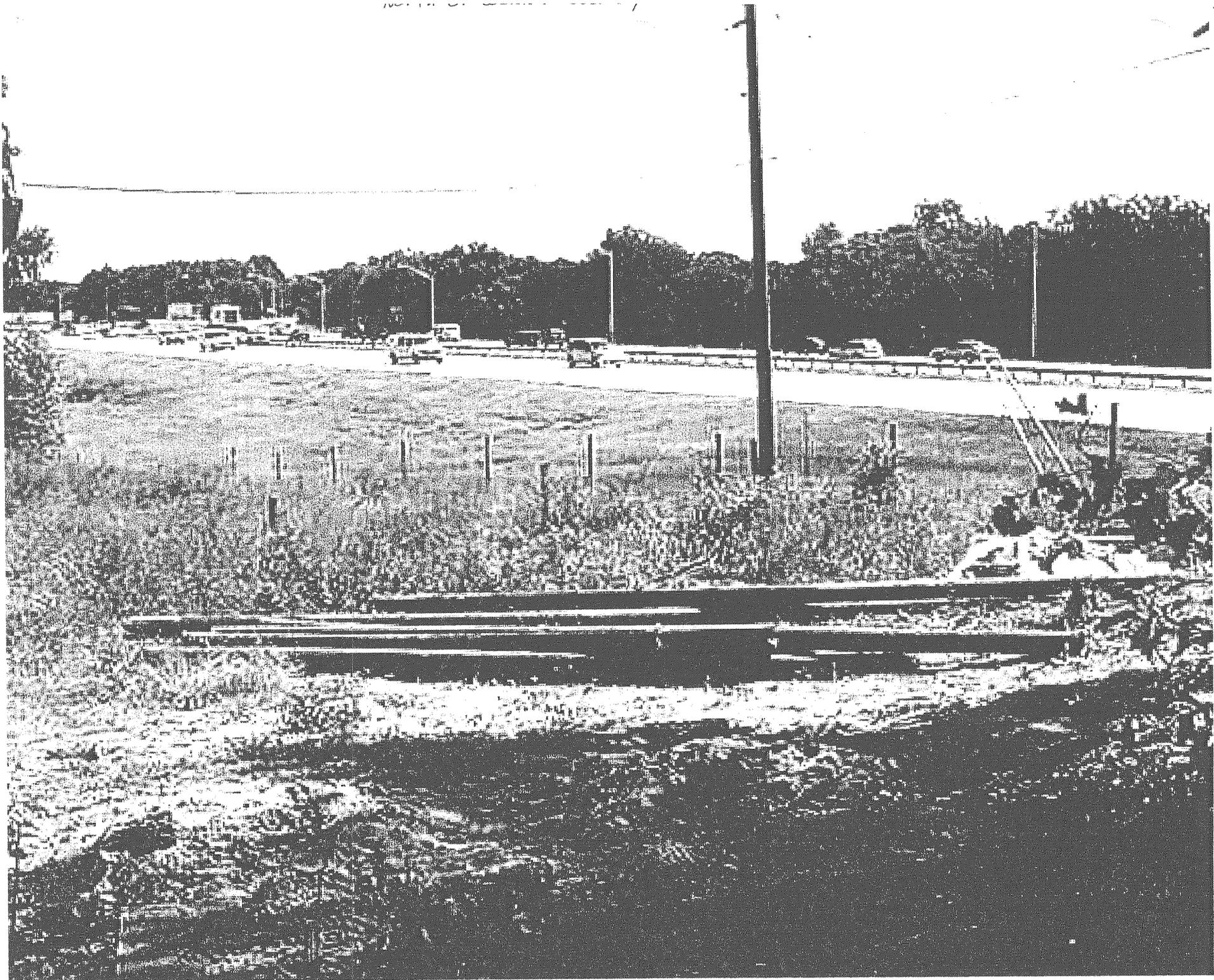
*Larry Goldman*  
*Jack Ray*



8-19-04 11:05 AM



North of ...

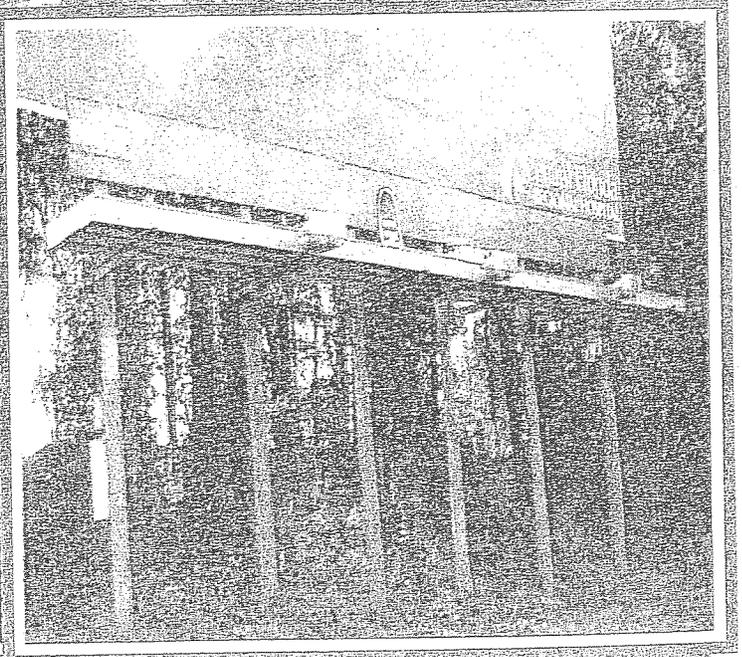


WE'VE BEEN MAKING 4 MORE YEARS.

New Chargrilled Sandwich *Chick-fil'd*

VIACSA

SEP 7 2004



**Street Name** 1675 Dixon Rd.

**Parcel #** 26-20-29-300-0010-0000

**Zoning** A-1

**BB Owner** Infinity

**Conforming?** No - const., zoning, separation

Mapkey	St Name	Parcel Number	Zoning	B/B Owner	B' ID	State ID #'s	Type of Construction	Lights	# of Faces	Sq.ft.	Hgt.	Photos taken
1	SR 436 W	1821295010A00001B	C-2	Infinity	243 E 243 W	AM 026 AM 024	Mono-pole	1 Up Each Side	6		30'	2
2	1133 SR 436 W	1721295010C00010A	C-2	Lamar		AN 806 AN 807	Mono-pole	4 Up Each Side	2		30'	2
3	9439 Forest City Cove	21212950300000010	C-2	Eller	5744 5745	AY 752 AY 753	Mono-pole	3 Up Each Side	2		30'	2
4	SR 434 S	21212950200000010	PUD	Eller	5842A	AZ 320	Mono-pole	2 Up Each Side	6		30'	2
5	795 Hillview Drive	21212950200000010	PUD	West Towne			Mono-pole	Internal	4		16'	1
6	SR 436 w	1621295010000006B	M-1	Eller	7036 7035	AG 430 AG 431	Mono-pole	3 Up Each Side	4		50'	2
7	I-4 235 Wymore Rd.	142129300014D0000	City	Eller			6 T-pole	4 Up	2			2
8	I-4	142129300014D0000	R-3	Unknown			2 T-pole		4			
9	Raymond Ave.	11212930000400000	A-1	Infinity	01164P 01165P	AQ956 BD008	12 T-pole V	3 Up Each Side	2			
10	Raymond Ave.	11212930000400000	A-1	Infinity	01160P 01161P		12 T-pole V	3 Up Each Side	2			
11	I-4	R / W - Howard Ave.	R-1AA	Infinity	01162P 01163P	BD121 BD122	8 T-pole	3 Up Each Side	2			
12	111 Wekiva Springs Ln	032129300006A0000	C-2	Lamar	BV257 BV256		Mono-pole	3 Up Each Side	2			
13	SR 434-Markham-Woods	SCX-SC-Trails	C-2	Eller	4404 62493	BL940 BL939	4 I-beam	4 Up 4 Down	3	Sept.2002		
14	301 Markham Woods	02212930000800000	A-1	Eller	548	BJ743	6 T-pole	4 UP One Side	1			
15	I-4	352029300014A0000	A-1	Lamar	1028-1		6 T-pole	None	1			
16	Ferne Dr.	35202950100000270	A-1	Infinity	00884P	BM106	6 T-pole	4 Up Each Side	1			
17	I-4	35202950100000200	A-1	Infinity	00885P	BM107	6 T-pole	3 Up Each Side	1			
18	I-4	35202950100000200	A-1	Infinity	00886P	BM108	6 T-pole	3 Up Each Side	1			
19	Penelope Dr.	35202950100000150	A-1	Infinity	00914P	BM109	6 T-pole	3 Up Each Side	1			
20	Penelope Dr.	35202950100000150	A-1	Infinity	00887P	BK244	6 T-pole	3 Up Each Side	1			
21	I-4	26202930000100000	A-1	Lamar	940-1	BM140	6 T-pole	None	1			
22	1675 Dixon Rd.	26202930000100000	A-1	Lamar	1051-1	BD007	6 T-pole	None	1			
23	1675 Dixon Rd.	26202930000100000	A-1	Infinity	02739A	BM113	6 T-pole	3 Up Each Side	1			
24	1675 Dixon Rd.	26202930000100000	A-1	Infinity	0037P	BM103	6 T-pole	3 Up Each Side	1			

SECTION 4. A-1 AGRICULTURE & COUNTRY HOME DISTRICT

A. Description of Districts

This district comprises certain lands and structures located in those portions of the county coming within the jurisdiction of the Zoning Commission, that are still predominantly rural. Lands in the A-1 Agricultural and Country Home District, are largely devoted to the production of citrus fruits, cattle grazing, general farming and swamp land. Regulations in this district are minimum on the uses for agricultural operations such as live stock raising, storage of fertilizer, saw mill and other operations.

As the need and demand for additional open land suitable for urban development is determined by the Zoning Commission, selected portions of this district may be rezoned for more intensive forms of development.

B. Permitted Uses

Within any A-1 Agriculture and Country Home District, no building, structure, land or water shall be used, unless otherwise permitted by this resolution, except for one or more of the following uses.

1. Single family dwellings with their customary accessory uses.
2. Tenant dwellings, one family and two family, in accordance with building site area regulations.
3. General farming and citrus cultivation and production, and horticulture, including nurseries, greenhouses, truck farming and dairies.
4. Cattle grazing.
5. Home occupations.
6. Sale of products and commodities which are raised on the premises, providing such structure is set back at least twenty-five (25) feet from the front and/or side line of the property.
7. Riding stables when located on a tract of land of not less than ten (10) acres and provided, further, that no structure, pen or corral housing animals shall be closer than two hundred (200) feet from any property line.
8. Churches and structures appurtenant thereto.
9. Schools.
10. Clinics.
11. Clubs, including country and golf clubs, gun clubs, fishing clubs or similar enterprises.

12. Outdoor advertising signs located, erected and maintained pursuant to the Sign Regulations of Seminole County.
13. Individual house trailers may be parked in an A-1 Area after approval by the Board of Adjustment, provided, the lot or parcel of land meet the requirements of Sec. 4-E of this Resolution for an A-1 area for a single family residence.

C. Conditional Uses (Special Exceptions).

When after a review of an application and public hearing thereon, the Board of Adjustment finds as a fact that the proposed use is consistent with the general zoning plan and with the public interest and not detrimental to the character of the neighborhood, the following uses may be permitted provided however, such uses may be subjected to or limited by conditions of the Board of Adjustment.

1. Cemeteries, mausoleums, crematories.
2. Veterinary hospitals and kennels.
3. Hospitals, sanitariums and convalescent homes.
4. Privately owned and operated recreational facilities open to the paying public. A comprehensive plan for such facilities shall be submitted to the Board of Adjustment prior to the issuance of a permit.
5. Athletic fields, stadiums, race tracks and speedways, driving ranges, swimming pools.
6. Airplane landing fields and helicopter ports with accessory facilities for private or public use.
7. Restaurants, cafeterias, and gift shops.
8. Chicken brooder houses designed to accommodate in excess of 100 birds, having no structure housing poultry located nearer than 200 feet to a property line.
9. Motels and Hotels on State Highways.
10. Trailer Parks. Plans for Trailer Courts or Parks in accordance with Trailer or Mobile Homes Parks Regulations, shall be submitted to the Board of Adjustment for review and public hearing.
11. Sawmills and Planing Mills.
12. Sewage Disposal Plants and Sanitary Land Fill Operations.

D. Building Height Regulations.

No building or structure shall exceed two and one-half (2½) stories or thirty-five (35) feet in height, except silos, granaries, windmills, barns and other structures incidental to the operation of a farm or other agricultural enterprise may exceed the above height limit, provided in Section 16.

E. Building Site Area Regulations

The minimum building site area for each single family dwelling in the A-1 Agricultural and Country Home District shall be 10,000 sq. ft. and the lot shall have a minimum width at the building line of 100 ft. except as stated in Section 16.

F. Yard Regulations (Front, Rear and Side)

1. The following minimum front, rear and side yards shall be observed:

- (a) Front yard of not less than twenty-five (25) feet in depth measured from the street, road or highway line to the front of the building.
- (b) Rear yard of not less than twenty (20) feet in depth.
- (c) Side yards shall be provided on each side of every main structure of not less than seven and one-half (7½) feet from side lot lines except where a side yard abutts a road or street, there shall be a setback from right of way line of twenty-five (25) feet.

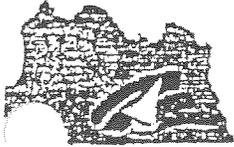
1. Auxiliary buildings shall observe the same side yard requirements as for the main structure and the rear yard requirements shall be the same as the side yard. No auxiliary building shall project beyond the front of the main structure.

2. Where set back lines have been established for the preservation of health, safety, the general welfare, the front and side yards shall be measured from said line.

- (a) See setback provisions on specific roads which are supplemental to this resolution.

G. Off Street Parking

See Section 24.



SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT  
PLANNING DIVISION  
1101 EAST FIRST STREET  
SANFORD, FL 32771  
(407) 665-7444 PHONE (407) 665-7385 FAX

**COPY**

APPL.NO. BA 2004-002

**APPLICATION TO THE SEMINOLE COUNTY BOARD OF ADJUSTMENT**

Applications to the Seminole County Board of Adjustment shall include all applicable items listed in the Board of Adjustment Process Checklist. No application will be scheduled for Board of Adjustment consideration until a complete application (including all information requested below) has been received by the Planning & Development Department, Planning Division. Applications for SPECIAL EXCEPTION shall only be received for processing following pre-application conference.

APPLICATION TYPE:

RECEIVED

**VARIANCE**

**SPECIAL EXCEPTION**

**MOBILE HOME SPECIAL EXCEPTION**

**EXISTING**  **PROPOSED**  **REPLACEMENT**

MOBILE HOME IS FOR

YEAR OF MOBILE HOME \_\_\_\_\_ SIZE OF MOBILE HOME \_\_\_\_\_

ANTICIPATED TIME MOBILE HOME IS NEEDED \_\_\_\_\_

PLAN TO BUILD:  YES  NO  IF SO WHEN \_\_\_\_\_

MEDICAL HARDSHIP  YES (LETTER FROM DOCTOR REQUIRED)  NO

**APPEAL FROM DECISION OF THE PLANNING MANAGER**

	PROPERTY OWNER	AUTHORIZED AGENT
NAME	National Advertising Co.	Glenn N Smith Esq.
ADDRESS	2687 S. Design Court Sanford, FL 32773	Ruden, McClosky P. O. Box 1900 Ft. Lauderdale, FL 33302
PHONE 1		954-572-2466
PHONE 2		
E-MAIL		

PROJECT NAME: \_\_\_\_\_

SITE ADDRESS: 0 445 miles E. of Markham Road and I-4

CURRENT USE OF PROPERTY: Billboard

LEGAL DESCRIPTION: A portion of Sec. 26TWP 20S RGE 29E E1/4 of SE 1/4 of ST RD. 400 (less Dixon Rd) where Billboard is located

SIZE OF PROPERTY: approx 1/10 acre(s) PARCEL I.D. 26-20-29-300-0010-0000

UTILITIES:  WATER  WELL  SEWER  SEPTIC TANK  OTHER \_\_\_\_\_

KNOWN CODE ENFORCEMENT VIOLATIONS None

IS PROPERTY ACCESSIBLE FOR INSPECTION  YES  NO

This request will be considered at the Board of Adjustment regular meeting on November 15, 2004 (mo/day/yr), in the Board Chambers (Room 1028) at 6:00 p.m. on the first floor of the Seminole County Services Building, located at 1101 East First Street in downtown Sanford, FL.

I hereby affirm that all statements, proposals, and/or plans submitted with or contained within this application are true and correct to the best of my knowledge.

*Glenn N. Smith*

SIGNATURE OF OWNER OR AGENT\*

DATE

t:\projects\boa\master forms & lists\boa applications\boa application.doc

ADDITIONAL VARIANCES

VARIANCE 2
VARIANCE 3
VARIANCE 4
VARIANCE 5
VARIANCE 6
VARIANCE 7
VARIANCE 8

APPEAL FROM BOA DECISION TO BCC

	PROPERTY OWNER	AUTHORIZED AGENT
NAME		
ADDRESS		
PHONE 1		
PHONE 2		
E-MAIL		

NATURE OF THE APPEAL \_\_\_\_\_

BCC PUBLIC HEARING DATE \_\_\_\_\_

FOR OFFICE USE ONLY

PROCESSING	COMMISSION DISTRICT	FEE / ZONING
LOCATION FURTHER DESCRIBED AS _____		
PLANNER	DATE	
SUFFICIENCY COMMENTS _____		

PLANNING AND DEVELOPMENT DEPARTMENT

PLANNING DIVISION



August 26, 2004

Viacom Outdoor  
c/o Richard McHugh  
2687 S. Design Court  
Sanford, FL 32773

Mr. Richard McHugh:

Please be advised that an inspection revealed as a result of Hurricane Charley, there was some damage that occurred to a billboard owned by Viacom Outdoor advertising. Said billboard is listed below:

- Billboard directly north of the Wekiva Assembly Church on the west bound lane of I-4 in between Lake Mary and Longwood (Parcel ID # 26-20-29-300-0010-0000; State ID # BM103)

It is the determination of Seminole County Planning Division that this billboard was more than 50% damaged as a result of the storm. In addition, this billboard was nonconforming as it was located in an A-1 (Agricultural) zone, which does not permit billboards. I am enclosing a portion of the Seminole County Land Development Code that addresses nonconforming signs. Pursuant to the Seminole County Land Development Code Section 30.1246 (a)(1), your billboard is nonconforming and is not permitted in an A-1 zone. Therefore, this billboard may not be replaced or repaired. You have until **September 25, 2004** to remove the billboard identified in this letter.

Failure to completely remove the billboard by **September 25, 2004** will result in this matter being turned over to the Code Enforcement Board for further action. Should you have any questions or wish to discuss this further I can be reached at 407-665-7353

Sincerely,

Matt West  
Planning Manager

CC: Don Fisher, Deputy County Manager

RECEIVED



200 EAST BROWARD BOULEVARD  
FORT LAUDERDALE, FLORIDA 33301

POST OFFICE BOX 1900  
FORT LAUDERDALE, FLORIDA 33302

(954) 527-2466  
FAX: (954) 333-4066  
[GLENN.SMITH@RUDEN.COM](mailto:GLENN.SMITH@RUDEN.COM)

September 23, 2004

Seminole County Board of Adjustment  
Att: Seminole County Planning & Development Department  
Planning Division  
1101 East 1<sup>st</sup> Street  
Sanford, Florida 32771

Re: Billboard North of Wekiva Assembly Church on Westbound Lane of I-4 between  
Lake Mary and Longwood (Parcel ID #26-20-29-300-0010-0000; State ID  
#BM103)

To Whom It May Concern:

We represent National Advertising, the owner of the above-referenced billboard.

Matt West, the Planning Manager, sent a letter dated August 26, 2004 to Richard McHugh of Viacom Outdoor indicating that the Planning Division determined that the subject billboard was more than 50% damaged as a result of Hurricane Charley, was non-conforming and located in an A-1 agricultural zone that does not permit billboards. Mr. West states, therefore, that this billboard may not be replaced or repaired.

Mr. West's position conflicts with Section 30.1253(d) enacted in Seminole County Ordinance 2003-20 which provides that outdoor advertising signs may be permitted in any non-residential zoning district. A-1 agricultural districts do not carry residential designations. Secondly, Mr. West's decision is contrary to the State of Florida Department of Environmental Protection First Amended Emergency Final Order issued on August 20, 2004 in which the Department found that Hurricane Charley created a state of emergency throughout the emergency area (including Seminole County) and found that immediate action by Florida citizens was necessary to repair, replace and restore structures damaged by the hurricane. Under Section 6(a)(1)(f), this includes billboards.

Appellants have included their Application for Appeal from the decision of the Planning Manager along with the August 26, 2004 letter from the Planning Manager, Seminole County Ordinance 2003-20, the State of Florida Department of Environmental Protection First Amended Emergency Final Order issued on August 20, 2004, the property appraiser information and a

FTL:1290610:1

RUDEN, McCLOSKEY, SMITH, SCHUSTER & RUSSELL, P.A.

CARACAS • FT. LAUDERDALE • MIAMI • NAPLES • ORLANDO • PORT ST. LUCIE • SARASOTA • ST. PETERSBURG • TALLAHASSEE • TAMPA • WEST PALM BEACH

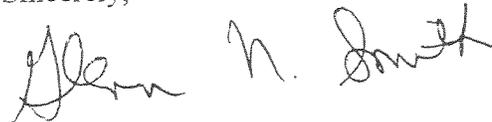
Seminole County Board of Adjustment  
September 23, 2004  
Page 2

photograph of the billboard from the Department of Transportation's database. A check for \$185.00 is enclosed for the Application Fee.

Applicant requests that it be allowed to repair the subject billboard.

If you have any questions concerning the above, please do not hesitate to contact the undersigned.

Sincerely,



Glenn N. Smith

GNS:lad  
Enclosures

30.1246

**Sec. 30.1246. Nonconforming signs.**

Any sign which conformed to the existing zoning regulations when erected and subsequently is declared nonconforming due to the enactment of this Part or any amendment to the zoning regulations may continue in place subject to the following provisions:

(a) *Outdoor advertising signs.*

(1) Signs that are nonconforming due to zoning may not be moved, structurally altered, or repair work accomplished that would require replacement of more than fifty (50) percent of any one (1) sign's supporting members without complying to all provisions of this part.

(2) Signs that are nonconforming on the effective date of Ordinance 90-9 (April 24, 1990), due to size, height or construction requirements shall be brought into compliance with the size, height and construction standards set forth in this Code prior to February 1, 2001.

(3) Notwithstanding anything provided in subsection (2) to the contrary, in furtherance of F.S. § 479.15, this section shall not require the alteration or removal of any signs declared nonconforming by this part that were lawfully erected along any portion of the interstate or federal-aid primary highway system. Provided, however, that an applicant for a permit to construct a new sign located adjacent to the interstate or federal-aid primary highway system or to rebuild a previously nonconforming sign located adjacent to the interstate or federal-aid primary highway system shall construct the sign in accordance with the standards of this part

(b) *Point of sale signs.*

(1) Any nonconforming sign must be removed when the business or use it advertises is discontinued. Any replacement sign must conform to all existing regulations.

(2) Any sign nonconforming due to height restrictions shall be brought into conformity with the height requirements prior to May 1, 1994. In any case where the owner of a sign or the owner of the property on which the sign is located alleges that the lowering of the sign would create a unique hardship, such an owner may request that a variance be granted by the Board of County Commissioners. Such request must be filed within thirty (30) days of the sign owner or the property owner receiving a written notice from the Planning Division directing that the sign be lowered. The Board of County Commissioners shall hear the variance request at a public meeting and may grant a variance after finding that, based on competent and substantial evidence, the lowering of the sign would create a unique hardship on the owner of the sign or the property owner.

(3) Any sign nonconforming due to the utilization of movement or the illusion of motion shall be brought into conformity prior to December 1, 1990.

(4) All nonconforming banners, pennants, flags, balloons, streamers, wind driven devices and similar displays shall be removed prior to June 1, 1990.

(c) No sign shall be construed to be a nonconforming sign if it was erected without a building permit having been obtained and/or without the prior approval

of the Planning Division.

(§ 1, Ord. No. 89-24, 11-14-89; § 3, Ord. No. 90-9, 4-24-90; § 5.986, LDC, through Supp 16; § 3, Ord. No. 93-9, 6-22-93; Ord. No. 99-5, § 3, 3-9-99; Ord. No. 02-53, § 1, 12-10-02).

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In re:

EMERGENCY AUTHORIZATION FOR  
REPAIRS, REPLACEMENT,  
RESTORATION, AND CERTAIN  
OTHER MEASURES MADE NECESSARY  
BY HURRICANE CHARLEY

OGC NO. 04-1458

FIRST AMENDED EMERGENCY FINAL ORDER

Under sections 120.569(2)(n) and 252.36 of the Florida Statutes, and upon consideration of the State of Florida Executive Order No. 04-182, the FEMA Order No. 1539DR and the following findings of fact, the State of Florida Department of Environmental Protection (the Department) enters this Emergency Final Order (the Order), including Findings of Fact and Conclusions of Law, in response to the imminent or immediate danger to the public health, safety, and welfare of the citizens of the State of Florida resulting from the devastation wrought by Hurricane Charley (hereinafter "the Hurricane").

FINDINGS OF FACT

1. On the 13th day of August, 2004, the Hurricane struck Florida with reported maximum sustained winds of over 100 miles per hour with storm surges over 10 feet. The Hurricane caused widespread damage within the following locations: Brevard, Charlotte, Collier, DeSoto, Hardee, Highlands, Lake, Lee, Manatee, Orange, Osceola, Polk, Sarasota, Seminole, and Volusia counties, which shall constitute the specific areas covered by this Emergency Final Order. These areas shall herein be referred to as the "Emergency Areas."

2. By State of Florida Executive Order No. 04-182, the Governor declared that a state of emergency exists throughout the State of Florida, based upon the serious threat to the public health, safety and welfare posed by the Hurricane.

3. The Department finds that the Hurricane has created a state of emergency threatening the public health, safety, welfare, and property throughout the Emergency Areas. As a result of the emergency, immediate action by Florida's citizens and government is necessary to repair, replace, and restore structures, equipment, surface water management systems, works, and operations damaged by the Hurricane.

4. The Department finds that an emergency authorization is required to address the need for immediate action.

5. The Department finds that immediate, strict compliance with the provisions of the statutes, rules, or orders noted in paragraph 12 of this Order would prevent, hinder, or delay necessary action in coping with the emergency.

#### CONCLUSIONS OF LAW

1. Based on the findings recited above, it is hereby concluded that the emergency caused by the Hurricane poses an immediate danger to the public health, safety, or welfare and requires an immediate order of the Department.

2. Under State of Florida Executive Order No. 04-182 and sections 120.569(2)(n) and 252.36 of the Florida Statutes, the Secretary of the Department is authorized to issue this emergency final order.

3. Suspension of statutes and rules as noted in paragraph 12 is required in order not to prevent, hinder, or delay necessary action in coping with the emergency.

#### THEREFORE, IT IS ORDERED:

Within the Emergency Areas:

1. *Petroleum Storage Tank Systems, Water and Wastewater Plants, and Collection and Distribution Systems*

Owners and operators of petroleum storage tank systems, water and wastewater plants and collection and distribution systems, and their licensed engineers and contractors, are

authorized to make all necessary repairs to restore essential services and repair or replace (as necessary) all structures, equipment, and appurtenances of the plants and systems to their pre-storm permitted or registered condition without prior notice to the Department. Within thirty days of commencing the work of such repair or replacement, however, the owner or operator shall notify the Department in writing, describing the nature of the work, giving its location, and providing the name, address, and telephone number of the representative of the owner or operator to contact concerning the work. Where an environmental resource permit is also normally required to repair the above facilities, see paragraphs 6, 7, 8, and 9 of this Order for certain limitations that may exist.

**2. Solid Waste Management**

a. Owners and operators of solid waste management facilities permitted by the Department before the Hurricane are authorized to make all necessary repairs to restore essential services and the functionality of stormwater management and leachate collection systems damaged by the Hurricane, without prior notice to the Department. Within thirty days of commencing the work of such repair or replacement, however, the permittee shall notify the Department in writing, describing the nature of the work, giving its location, and providing the name, address, and telephone number of the representative of the permittee to contact concerning the work. Where an environmental resource permit is also normally required to repair the above facilities, see paragraphs 6, 7, 8, and 9 of this Order for certain limitations that may exist.

b. Uncontaminated yard trash may be disposed of in permitted lined or unlined landfills, permitted land clearing debris facilities or in permitted construction and demolition debris disposal facilities.

c. Construction and demolition debris that is mixed with other Hurricane-generated debris need not be segregated from other solid waste prior to disposal in a lined landfill.

d. Except as otherwise specifically provided herein, Hurricane-generated debris shall be disposed of in a Class I landfill or, except for asbestos-containing materials, in a waste-to-energy facility. Non-recyclables and residuals generated from segregation of Hurricane-generated debris shall also be disposed of in a Class I landfill or waste-to-energy facility.

e. Ash residue from the combustion of yard trash or clean wood wastes may be disposed of in a permitted disposal facility, or may be land spread in any areas approved by local government officials except in wellfield protection areas or water bodies.

f. Ash from the combustion of other Hurricane-generated debris shall be disposed of in a Class I landfill. Metals or other non-combustible materials segregated from the ash residue may also be disposed of in an unlined, permitted landfill.

g. Unsalvageable refrigerators and freezers containing solid waste such as rotting food that may create a sanitary nuisance may be disposed of in a Class I landfill; provided, however, that chlorofluorocarbons and capacitors must be removed and recycled to the greatest extent practicable using techniques and personnel meeting the requirements of 40 CFR Part 82.

h. Permitted landfills, waste-to-energy facilities, and transfer stations, within or outside of the Emergency Area, which accept Hurricane-generated debris in accordance with the terms of this Order may accept Hurricane-generated debris for disposal or storage without the need to first modify existing permits or certifications. Operators of landfills shall seek modifications of their existing permits to address any long-term impacts of accepting Hurricane-generated debris on operations and closure which are not addressed in existing permits. Long-term impacts are those, which will extend past the expiration date of this Order. The requests for modification shall be submitted as soon as possible, but no later than the expiration date of this Order. No permit fee will be required for any modifications necessitated solely by the Hurricane clean-up activities.

i. Field authorizations may be issued prior to or following a site inspection by Department personnel for staging areas to be used for temporary storage and chipping, grinding or burning of Hurricane-generated debris. Field authorizations may be requested by providing a notice to the local office of the Department containing a description of the staging area design and operation, the location of the staging area, and the name, address, and telephone number of the site manager. Field authorizations also may be issued by Department staff without prior notice. Written records of all field authorizations shall be created and maintained by Department staff.

3. Open Burning

The Department authorizes local governments or their agents to conduct the open burning of Hurricane-generated yard trash and other vegetative debris in air curtain incinerators, within or outside of the Emergency Area, without prior notice to the Department. The Department also authorizes the open burning of demolition debris in such air curtain incinerators, provided reasonable efforts are made to limit the material being burned to untreated wood. Within three days of commencing any such burning the local government or its agent shall notify the Department in writing, describing the general nature of the materials burned, stating the location and method of burning, and providing the name, address, and telephone number of the representative of the local government to contact concerning the work. This order does not relieve the air curtain incinerator operator from any requirement to obtain an open burning authorization from the Division of Forestry or any other agency empowered to grant such authorizations. In operating any such air curtain incinerator the pit width shall not exceed 12 feet, vertical side walls shall be maintained and waste material shall not be loaded into the air curtain incinerator such that it protrudes above the level of the air curtain. Ash shall not be allowed to build up in the pit higher than 1/3 the pit depth or to the point where the ash begins to impede combustion, whichever comes first. Refractory-lined air curtain incinerators may operate 24 hours per day. Air curtain incinerators without refractory-lined walls may not charge before sunrise and

must end operation before sunset. Notwithstanding the provisions of this paragraph, the burning of asbestos-containing materials or hazardous waste is prohibited.

**4. Air Pollution Sources Other than Open Burning**

The Department authorizes the minor repair of any previously permitted stationary source of air pollution that was damaged by the Hurricane to restore it to its previously permitted condition without prior notice to the Department. Within thirty days of commencing such repairs, however, the permittee shall notify the Department in writing, stating the location and nature of the work and providing the name, address, and telephone number of the representative of the permittee to contact concerning the work. Minor repairs are repairs that would not constitute reconstruction under any definition of 40 CFR part 60, 61 or 63 and that could not affect potential to emit any pollutant. Repairs that would constitute reconstruction under any definition of 40 CFR Part 60, 61 or 63, or repairs that could affect potential to emit any pollutant are not authorized by this Order.

**5. Asbestos Clean-up**

The Department waives the requirement for prior notification for emergency demolition or emergency cleanup of asbestos-containing material resulting from the Hurricane. Within one business day of commencing such demolition or cleanup, however, the person responsible for such work shall notify the Department in writing. The notification shall be consistent with the information on the Notice for Asbestos Renovation or Demolition, and shall include the location and nature of the work and the name, address, and telephone number of operator on the project. The procedures in 40 CFR 61 Subpart M for handling asbestos-containing material shall be complied with during demolition and cleanup. Asbestos-containing material shall be disposed of in a Class I, II, or III landfill in accordance with rule 62-701.520(3) of the Florida Administrative Code. Burning of asbestos containing material is prohibited.



Environmental Resource, Dredge and Fill, and Surface Water Management Activities

The following activities may be undertaken to repair, restore, or replace structures, land, and submerged contours to the authorized or otherwise legally existing configuration and conditions, subject to the limitations in this order. This order does not authorize the construction of structures that did not exist prior to the emergency, unless specifically authorized below..

a. Definitions

(1) For the purposes of paragraph 6 of this Order, the term "structures" includes:

(a) utility infrastructure, including wastewater treatment plants, substations, lift stations, solid and hazardous waste facilities, utility lines (including transmission and distribution), poles, towers, support structures, cables, conduits, outfalls, intake structures, and pipelines;

(b) roads, bridges, culverts, driveways, sidewalks, bike paths, and other similar public and private infrastructure;

(c) public, private, and commercial habitable and non-habitable buildings, and structures ancillary to these buildings, such as garages, cabanas, storage sheds, bath houses, pools, and decks;

(d) piers (including docks, boardwalks, observation platforms, boat houses, and gazebos), and pilings;

(e) shore-stabilization structures, such as seawalls, bulkheads, revetments, breakwaters, and groins;

\* (f) fences, signs and billboards; and

(g) buoys, navigational aids, and other channel markers.

(2) For the purposes of paragraph 6 of this Order, the term "drainage systems" includes ditches, canals, ponds, swales, and other surface water conveyances; dams, weirs, dikes, and levees; underdrains, outfalls, and associated

water control structures. Any damage to structures or drainage systems authorized by the Department, and built to permitted design specifications, may be authorized to be repaired to the design that was originally authorized by the Department; minor deviations to upgrade structures or drainage systems to current standards also are authorized;

**b. No Notice Required, Landward of the Coastal Construction Control Line**

The following activities may be conducted without notification to the Department:

(1) Temporary and permanent repair or restoration of structures and drainage systems that are still intact (i.e., not completely destroyed or eliminated) to the conditions, dimensions, and configurations that were authorized or otherwise legally existing immediately prior to the Hurricane, provided the repair and restoration activities do not result in any expansion, addition, or relocation of the existing structure or systems. However, this shall not preclude the use of different construction materials or minor deviations to allow upgrades to current structural and design standards.

(2) The restoration (regrading, dredging, or filling) by local, regional, and state governments of surface (upland), wetland, and submerged land contours to the conditions and configurations that were authorized or otherwise legally existing immediately prior to the Hurricane, provided the restoration does not result in any expansion or addition of land or deepening of waters beyond that which existed immediately prior to the Hurricane, subject to the following limits:

(a) The removal or deepening of plugs formerly separating canals from other waters is specifically not authorized by this Order;

(b) In the case of dredging, all excavated material shall be deposited on uplands that are diked or otherwise sloped or designed to prevent any discharge into wetlands or other surface waters, except where such dredged material is used to restore bottom contours and shorelines, exclusive of sandy beaches fronting the

Gulf of Mexico or the Atlantic Ocean, to the conditions existing immediately prior to the Hurricane;

(c) In the case where upland or dredged material is placed in water to restore pre-existing conditions, only material from the previous uplands may be used in the restoration, and no change (from pre-existing conditions) in the slope of the land or the type, nature, or configuration of any pre-existing shoreline stabilization materials is authorized (e.g., sloping revetments cannot be replaced with vertical seawalls, and rock riprap cannot be replaced with interlocking blocks);

(d) Any restored shorelines that are susceptible to erosion, other than areas seaward of a coastal construction control line, shall be stabilized with vegetation or rock riprap to prevent erosion. Riprap may extend no further waterward than ten feet from the pre-Hurricane mean high water line. If the pre-existing shoreline was stabilized with a seawall, the seawall may be restored within three feet waterward of the pre-Hurricane mean high water line. Debris from the Hurricane or other sources, other than natural rocks and clean concrete rubble, shall not be used to stabilize shorelines;

(e) This shall not constitute authorization to fill submerged lands owned by the Board of Trustees of the Internal Improvement Trust Fund before the Hurricane.

(3) Removal of debris, including sunken vessels, and vegetation and structural remains that have washed into waters, wetlands, or uplands by the Hurricane, provided all removed debris are deposited on the uplands or otherwise deposited or burned in accordance with other provisions of this Order.

(4) Activities authorized under subparagraph 6.b. must be commenced before the expiration of this order.

c. **Field and Individual Authorization Required**

(1) Field authorizations may be issued following a site inspection by Department personnel for:

- (a) activities including the replacement of structures that are no longer intact;
- (b) restoration (regrading, dredging, or filling) of the contours of uplands, wetlands, and submerged bottoms, by parties other than local, regional, or state governments;
- (c) trimming or alteration of mangroves; and
- (d) other activities determined by Department personnel as having the potential to result in only minimal adverse individual or cumulative impact on water resources and water quality.

(2) Field authorization may be issued only to restore structures and property to authorized or otherwise legally existing conditions that existed immediately prior to the Hurricane, or to a more environmentally compatible design than existed immediately prior to the Hurricane. Field authorizations may be requested by providing a notice to the local office of the Department containing a description of the work requested, the location of the work, and the name, address, and telephone number of the owner or representative of the owner who may be contacted concerning the work. Field authorizations also may be issued by Department staff without prior notice. Written records of all field authorizations shall be created and maintained by Department staff.

(3) Other activities not described above shall be regulated in accordance with part IV of chapter 373 of the Florida Statutes, and the rules adopted thereunder. Stormwater systems within the Northwest Florida Water Management District that do not qualify under the above provisions shall require a stormwater permit.

(4) Activities authorized under paragraph 6.b above, must be commenced before the expiration of this order unless otherwise provided in a field authorization. The deadline for commencement under any field authorization issued under this order may be extended on a showing that contractors or supplies are not available to commence the work, or if additional time is needed to obtain any required authorization from the U.S. Army Corps of Engineers.

7. Activities Seaward of the Coastal Construction Control Line (CCCL) or the Fifty-foot Setback Line, and Landward of the Mean High Water Line.

a. The following activities may be undertaken by local governments and utility companies to protect, repair, or replace structures and property without notice to the Department, subject to the limitations below. This Order does not authorize the construction of structures that did not exist prior to the emergency, unless specifically authorized below, nor does it authorize beach scraping performed by itself or in association with any of the following activities.

(1) Removal of Hurricane-generated debris. Prior to removing the debris and to the greatest extent possible, beach compatible sand should be separated from the debris and kept on site. To prevent debris from becoming buried, all Hurricane-generated debris shall be removed prior to conducting any fill activities.

(2) The repair of the following public facilities: utilities, roads and beach access ramps.

(3) Return of sand to the beach and dune system that has been deposited upland by the Hurricane, and restoration of a damaged dune system using beach compatible sand from an upland source. The fill material shall not cover any Hurricane-generated debris or construction debris. All fill material shall be sand that is similar to

---

<sup>1</sup> Terms used herein are defined in chapter 161 of the Florida Statutes, and chapter 62B-33 of the Florida Administrative Code.

the pre-storm beach sand in both coloration and grain size and be free of debris, rocks, clay or other foreign matter. No sand may be obtained from the beach or below the mean high water line seaward of the CCCL without specific authorization from the Department.

b. After providing notice to the Department, local governments are authorized to issue permits to private and public property owners for the activities listed below. Notice of intent to implement this delegation shall be provided to the Department in the form of a statement of intent to issue permits pursuant to this section. The notice may be faxed to the Department at 850/488-5257 or provided via the telephone by calling 850/487-4475. This Order does not authorize the construction of structures that did not exist prior to the emergency, unless specifically authorized below, nor does it authorize beach scraping performed by itself or in association with any of the following activities. No additional authorization is required for repairs to interiors of existing structures not involving repairs to foundations.

(1) Temporary or remedial activities that are necessary to secure structures in order to remove safety hazards and prevent further damage or collapse of foundations. This Order does not authorize the permanent repair of foundations of major structures, rebuilding of major structures, or the repair or construction of coastal or shore protection structures.

(2) Repair or replacement of components and cladding (exterior glass windows and panels, roof sheathing, and other structural components such as studs and roof trusses) of major structures. The repair or replacement shall not constitute a substantial improvement. To protect nesting marine turtles and their hatchlings, damaged or destroyed glass windows and glass doors that are visible from any point on the beach should be replaced by tinted glass with a transmittance value of 45% or less.

(3) Repair or replacement of minor ancillary structures and service utilities associated with the existing habitable structure and necessary for occupancy of the habitable structure. Repaired or replaced components shall not exceed the size of the original minor ancillary structure or service utility damaged or destroyed by the Hurricane. Replacement of retaining walls, decks, and gazebos that are not necessary for occupancy of the existing habitable structure is specifically excluded.

(4) Repair, not including replacement, of surviving beach/dune walkovers provided the repair allows for adjustments to be made to the seaward terminus of the walkover if necessary to accommodate changes in the shoreline topography and native salt-resistant vegetation patterns resulting from the post-storm recovery of the beach and dune system.

(5) Return of sand to the beach dune system which has been deposited upland by the Hurricane and the restoration of a damaged dune system using beach compatible sand from an upland source. The fill material shall not cover any Hurricane-generated debris or construction debris. All fill material shall be sand that is similar to the pre-storm beach sand in both coloration and grain size and be free of debris, rocks, clay or other foreign matter. No sand may be obtained from the beach or below mean high water seaward of the CCCL without specific authorization from the Department.

c. The nature, timing, and sequence of construction authorized under this order should be conducted, to the greatest extent practicable, in such a manner as to provide protection to nesting sea turtles and hatchlings and their habitat, pursuant to section 370.12 of the Florida Statutes, and to native salt-resistant vegetation and endangered plant communities.

d. Actions taken by local governments and utility companies under sections a. and b. above do not require additional permits from the Department. Activities not covered by this Order may require a permit from the Department under section 161.053 of the Florida Statutes,

and chapter 62B-33 of the Florida Administrative Code. For more information, please contact the Bureau of Beaches and Coastal Systems by mail at 3900 Commonwealth Boulevard, Mail Station #300, Tallahassee, Florida 32399-3000 or by phone at 850/487-4475.

8. General Conditions

a. All activities conducted under Paragraphs 6 and 7 shall be performed using appropriate best management practices. For activities conducted in or discharging to wetlands or other surface waters, best management practices include properly installed and maintained erosion and turbidity control devices to prevent erosion and shoaling, to control turbidity, and to prevent violations of state water quality standards.

b. The authorizations in Paragraphs 6 and 7 shall not apply to structures and associated activities in the Emergency Areas that were not properly authorized by all applicable agencies before the passage of the Hurricane.

c. Environmental resource, surface water management, dredge and fill, stormwater, and coastal construction control line or joint coastal permits shall be required following provisions of statute and rule for other activities not authorized above that do not otherwise qualify as an exempt activity under statute or rule.

d. All activities shall be accomplished so as not to: disturb marked marine turtle nests or known nest locations; or damage existing native salt-tolerant or submerged vegetation.

e. This Emergency Final Order does not convey any property rights or any rights or privileges other than those specified in this Order.

f. This Emergency Final Order only serves as relief for the duration of the Order from the regulatory and proprietary requirements of the Department, and does not provide relief from the requirements of other federal, state, water management districts, and local agencies. This Order therefore does not negate the need for the property owner to obtain any other required

permits or authorizations, nor from the need to comply with all the requirements of those agencies.

g. All structures that are rebuilt shall be rebuilt in accordance with all applicable local, state, and federal building standards and requirements of the Federal Emergency Management Act (FEMA).

h. It is recommended that, where possible, owners of property should maintain documentation (such as photos) of the condition of the structures or lands as they existed prior to initiating any activities authorized under this Order, and should provide such documentation if requested to do so.

i. This Emergency Final Order does not provide relief from any of the requirements of chapter 471 of the Florida Statutes regarding professional engineering.

9. Authorization to Use Submerged Lands Owned by the State

The Department has been delegated by the Board of Trustees of the Internal Improvement Trust Fund the authority to grant the following authorizations to use sovereign submerged lands, that is, most lands lying waterward of the line of mean high water or ordinary high water, in association with the repairs authorized in Paragraphs 6 and 7.

a. Except as provided in Paragraphs 9.b. and 10 below, a consent of use is hereby granted for the repair, replacement, or restoration of the activities and structures located on submerged lands owned by the state subject to the provisions and limitations of Paragraph 6, above, for which authorization from the Board of Trustees of the Internal Improvement Trust Fund had been obtained prior to the Hurricane, or which were otherwise legally existing immediately prior to the Hurricane, provided the structures and activities will be repaired, restored, or replaced in the same location and configuration as was authorized by the Board of Trustees of the Internal Improvement Trust Fund or which otherwise legally existed immediately prior to the Hurricane.

b. This Order does not authorize the reconstruction or repair of unauthorized structures, which failed to qualify for the grandfathering provisions of chapter 18-21 of the Florida Administrative Code.

c. The requirements for submitting a "Reclamation of Lands Lost Due to Recent Storm Events" application are specifically waived during the duration of this Order.

**10. General Limitations**

The Department issues this Emergency Final Order solely to address the emergency created by the Hurricane. This Order shall not be construed to authorize any activity within the jurisdiction of the Department except in accordance with the express terms of this Order. Under no circumstances shall anything contained in this Order be construed to authorize the repair, replacement, or reconstruction of any type of unauthorized or illegal structure, habitable or otherwise.

**11. Other Authorizations Required**

Nothing in this Order shall eliminate the necessity for obtaining any other federal, state, water management district, or local permits or other authorizations that may be required.

**12. Suspension of Statutes and Rules**

The following provisions of statutes and rules are hereby suspended for the activities authorized by this Order for the duration of this Order:

a. For those activities noted above, subject to the limitations, duration and other provisions of this Order, all requirements for permits, leases, consent of uses or other authorizations under chapters 161, 253, 258, 373, 376 and 403 of the Florida Statutes, and rules adopted thereunder;

b. Notice requirements of sections 161.041, 161.053, 161.055, 253.115, and 373.413 of the Florida Statutes and rules 18-18, 18-20, 18-21, 62-4, 62-312, 62-343, and 62-620 of the Florida Administrative Code;

c. Application fee, lease fee, and easement fee requirements of sections 161.041, 161.053, 161.055, and 373.109 of the Florida Statutes and rules 18-18, 18-20, 18-21, and 62-4 of the Florida Administrative Code, provided however, that such lease and easement fees shall be suspended only in proportion to the percentage loss of functionality of the total area under lease or easement, and only for the duration of this order unless otherwise provided in a field authorization issued under part 6 above. The duration of the suspension of lease and easement fees under a field authorization may be extended on a showing that contractors or supplies are not available to commence the necessary repairs or replacement, or if additional time is needed to obtain any required authorization from the U.S. Army Corps of Engineers; and

d. Prohibitions for dredging and filling in waters approved or conditionally approved, for shellfish harvesting adopted under subsections 403.061(29) and 373.414(9) of the Florida Statutes.

**13. Extension of time to comply with specified deadlines**

For facilities regulated by the Department in the Emergency Area, this Order extends the time for a period of 30 days to comply with the following specified deadlines that occur between August 13, 2004 and the expiration of this order:

a. The time deadlines to conduct or report periodic monitoring required by permits, leases, consent of uses, or other authorizations under chapters 161, 253, 258, 373, 376 and 403 of the Florida Statutes, and rules adopted thereunder, except for monitoring required by air permits issued under Title IV or V of the Clean Air Act or under the PSD program;

b. The time deadlines to file an application for renewal of an existing permit, lease, consent of use, or other authorization under chapters 161, 253, 258, 373, 376 and 403 of the Florida Statutes, and rules adopted thereunder, except for air permits issued under Title V of the Clean Air Act;

c. The time deadlines to file an application for an operation permit under chapters 161, 253, 258, 373, 376 and 403 of the Florida Statutes, and rules adopted thereunder, except for air permits issued under Title V of the Clean Air Act; and

d. The expiration date for an existing permit, lease, consent of use, or other authorization under chapters 161, 253, 258, 373, 376 and 403 of the Florida Statutes, and rules adopted thereunder, except for air permits issued under Title V of the Clean Air Act.

e. The time deadlines to petition for an administrative proceeding or to request an enlargement of time under Rule 62-110.106, Florida Administrative Code.

14. Completion of Authorized Activities

a. All activities authorized under this Emergency Final Order must be commenced before the expiration of this Order unless otherwise provided in a field authorization or permit. The deadline for commencement under any filed authorization or permit issued under this order may be extended on a showing that contractors or supplies are not available to commence the work, or if additional time is needed to obtain any required authorization from the U.S. Army Corps of Engineers. Any Environmental Resource Permit, Surface Water Management Permit, and Dredge and Fill Permit activities that require a field authorization must be completed by the expiration date of the field authorization; activities not completed by that expiration date are subject to the regulatory and proprietary authorizations required prior to the execution of this Order.

b. A blanket approval of time extensions under chapter 62-730 of the Florida Administrative Code is necessary within the Emergency Areas for hazardous waste generators and small quantity generators for the storage of their hazardous wastes on site, pending the cleanup of the Hurricane damage and restoration of essential services. The rules authorize a thirty-day extension because of unforeseen and uncontrollable circumstances. The specific effects of the Hurricane were unforeseen and uncontrollable. Therefore, to avoid having to issue

a potentially large number of individual approvals on a case-by-case basis and waste limited agency resources during the time of emergency, the Department authorizes a general extension of time of thirty days from the expiration of this Order for all such hazardous waste generators and small quantity generators for the storage of their hazardous wastes on site, in the counties within the Emergency Areas.

**15. Expiration Date**

This Emergency Final Order shall take effect immediately upon execution by the Secretary of the Department, and shall expire in 60 days from the date of execution set forth below, unless modified or extended by further order.

**16. Violation of Conditions of Emergency Final Order**

Failure to comply with any condition set forth in this Emergency Final Order shall constitute a violation of a Department Final Order under chapters 161, 253, 258, 373, 376, and 403 of the Florida Statutes, and enforcement proceedings may be brought in any appropriate administrative or judicial forum.

NOTICE OF RIGHTS

Any party substantially affected by this Order has the right to seek judicial review of it under section 120.68 of the Florida Statutes, by filing a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within thirty days after this Order is filed with the Clerk of the Department.

DONE AND ORDERED on this 20<sup>th</sup> day of August, 2004, in Tallahassee, Florida.

FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION

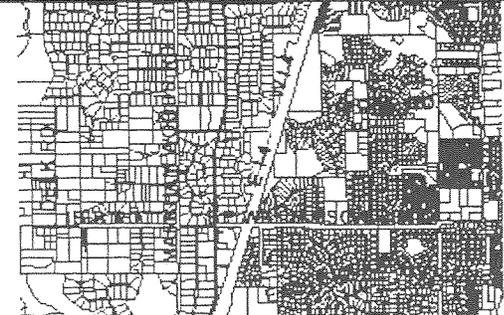
*for*   
COLLEEN M. CASTILLE, Secretary  
3900 Commonwealth Blvd  
Tallahassee, FL 32399-3000

FILED on this date, pursuant to §120.52 Florida Statutes,  
with the designated Department Clerk, receipt of which is hereby acknowledged.

  
CLERK

8/20/04  
DATE

Personal Property

<p><b>PARCEL DETAIL</b></p> <p>REAL ESTATE   PERSONAL PROP   TAX ROLL   SALES SEARCH</p> <p>◀ ◁ Back ▷ ▶</p>																																					
  																																					
<p align="center"><b>GENERAL</b></p> <p>Parcel Id: 26-20-29-300-0010-0000   Tax District: 01-TX DIST 1 - COUNTY</p> <p>Owner: CHURCH WEKIVA ASSEMBLY OF   Exemptions: 36-CHURCH/RELIGIOUS</p> <p>Own/Addr: GOD INC   Address: 1675 DIXON RD</p> <p>City,State,ZipCode: LONGWOOD FL 32779</p> <p>Property Address: 1675 DIXON RD LONGWOOD 32779</p> <p>Facility Name: Dor: 71-CHURCHES</p>																																					
<p align="center"><b>2004 WORKING VALUE SUMMARY</b></p> <p>Value Method: Market</p> <p>Number of Buildings: 2</p> <p>Depreciated Bldg Value: \$646,332</p> <p>Depreciated EXFT Value: \$1,181</p> <p>Land Value (Market): \$455,600</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$1,103,113</p> <p>Assessed Value (SOH): \$1,103,113</p> <p>Exempt Value: \$1,103,113</p> <p>Taxable Value: \$0</p> <p align="center">2004 Notice of Proposed Property Tax</p>																																					
<p align="center"><b>SALES</b></p> <table border="1"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/Imp</th> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>06/1987</td> <td>01857</td> <td>1704</td> <td>\$50,000</td> <td>Vacant</td> </tr> </tbody> </table> <p align="center">Find Comparable Sales within this DOR Code</p>		Deed	Date	Book	Page	Amount	Vac/Imp	WARRANTY DEED	06/1987	01857	1704	\$50,000	Vacant																								
Deed	Date	Book	Page	Amount	Vac/Imp																																
WARRANTY DEED	06/1987	01857	1704	\$50,000	Vacant																																
<p align="center"><b>2003 VALUE SUMMARY</b></p> <p>2003 Tax Bill Amount: \$0</p> <p>2003 Taxable Value: \$0</p> <p align="center">DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>																																					
<p align="center"><b>LAND</b></p> <table border="1"> <thead> <tr> <th>Land Assess Method</th> <th>Frontage</th> <th>Depth</th> <th>Land Units</th> <th>Unit Price</th> <th>Land Value</th> </tr> </thead> <tbody> <tr> <td>ACREAGE</td> <td>0</td> <td>0</td> <td>11.390</td> <td>40,000.00</td> <td>\$455,600</td> </tr> </tbody> </table>		Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	ACREAGE	0	0	11.390	40,000.00	\$455,600																								
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value																																
ACREAGE	0	0	11.390	40,000.00	\$455,600																																
<p align="center"><b>LEGAL DESCRIPTION</b></p> <p>SEC 26 TWP 20S RGE 29E E 1/4 OF SE 1/4 W OF ST RD 400 (LESS DIXON RD)</p>																																					
<p align="center"><b>BUILDING INFORMATION</b></p> <table border="1"> <thead> <tr> <th>Bld Num</th> <th>Bld Class</th> <th>Year Blt</th> <th>Fixtures</th> <th>Gross SF</th> <th>Stories</th> <th>Ext Wall</th> <th>Bld Value</th> <th>Est. Cost New</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>STEEL/PRE ENG</td> <td>1984</td> <td>20</td> <td>16,500</td> <td>1</td> <td>METAL PREFINISHED</td> <td>\$597,897</td> <td>\$797,196</td> </tr> <tr> <td colspan="3">Subsection / Sqft</td> <td colspan="6">OPEN PORCH FINISHED / 2700</td> </tr> <tr> <td>2</td> <td>MASONRY PILAS</td> <td>1994</td> <td>0</td> <td>1,000</td> <td>1</td> <td>WOOD SIDING WITH WOOD OR METAL STUDS</td> <td>\$48,435</td> <td>\$55,354</td> </tr> </tbody> </table>		Bld Num	Bld Class	Year Blt	Fixtures	Gross SF	Stories	Ext Wall	Bld Value	Est. Cost New	1	STEEL/PRE ENG	1984	20	16,500	1	METAL PREFINISHED	\$597,897	\$797,196	Subsection / Sqft			OPEN PORCH FINISHED / 2700						2	MASONRY PILAS	1994	0	1,000	1	WOOD SIDING WITH WOOD OR METAL STUDS	\$48,435	\$55,354
Bld Num	Bld Class	Year Blt	Fixtures	Gross SF	Stories	Ext Wall	Bld Value	Est. Cost New																													
1	STEEL/PRE ENG	1984	20	16,500	1	METAL PREFINISHED	\$597,897	\$797,196																													
Subsection / Sqft			OPEN PORCH FINISHED / 2700																																		
2	MASONRY PILAS	1994	0	1,000	1	WOOD SIDING WITH WOOD OR METAL STUDS	\$48,435	\$55,354																													
<p align="center"><b>EXTRA FEATURE</b></p> <table border="1"> <thead> <tr> <th>Description</th> <th>Year Blt</th> <th>Units</th> <th>EXFT Value</th> <th>Est. Cost New</th> </tr> </thead> <tbody> <tr> <td>4' CHAIN LINK FENCE</td> <td>1997</td> <td>385</td> <td>\$1,181</td> <td>\$1,540</td> </tr> </tbody> </table>		Description	Year Blt	Units	EXFT Value	Est. Cost New	4' CHAIN LINK FENCE	1997	385	\$1,181	\$1,540																										
Description	Year Blt	Units	EXFT Value	Est. Cost New																																	
4' CHAIN LINK FENCE	1997	385	\$1,181	\$1,540																																	
<p>NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.</p> <p>*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p>																																					

Seminole County, Florida

# Property Appraiser Services

Your Source for Property Information... Quick, Convenient, Accurate

H. W. "Bill" Suber CFA,



**Seminole County**  
**Property Appraiser Services**  
 1101 E. Bin  
 Sanford Fl.  
 407-665-7

- Legend**
- Selected Feature
  - County Boundary
  - Major Road
  - Street
  - Hydrology
  - Subdivision
  - Parcels
  - Facilities
  - Golf Course
  - Parks

Seminole County Property Appraiser - Copyright (C) 2000-2003

Rec	Parcel	Owner	Owner Addr	City	State	Zip
1	26202930000100000	CHURCH WEKIVA ASSEMBLY OF	1675 DIXON RD	LONGWOOD .	FL	32779

