

Board of Zoning Adjustment Board Called and Appeal Public Hearing
Case # SE-21-07-039 Applicant / Appellant: Kelsey Weiss for Orlando Speedworld, July 1,
2021; District 5

Table of Contents

- Constituent Complaints
 - Will Bowles
 - Timothy Ray
 - Juanita Martinez
 - Facebook Comments
- Comparison of Standard Operating Procedures with other Raceways Across Central FL
 - Interviews with Raceway Managers
 - Terrain Maps
- Noise Ordinances from Alachua, Citrus, and Lake Counties
- BZA Minutes (1965, 1972, 1978, 1981)
- Historical Bithlo Speedworld Records from Comptroller's Office

N O T I C E

APPROVED BY THE BOARD OF COUNTY
COMMISSIONERS AT THEIR MEETING

SEP 01 1981

THIS IS TO NOTIFY YOU that the Board of County Commissioners of Orange County, Florida, will sit as a BOARD OF APPEAL at 2:30 o'clock P. M., Tuesday, September 1 A.D., 1981, to hear those for or against the action of the Orange County Board of Zoning Adjustment under the date of April 11 A.D., 1978.

BOARD OF ZONING ADJUSTMENT PUBLIC HEARING #20

CONTINUED FROM APRIL 11, 1978

ORANGE COUNTY BOARD OF ZONING ADJUSTMENT, has requested in A-2 zone to determine whether Special Exceptions originally approved as follows should be rescinded or modified:

1. Vehicular speed test strip (drag strip) (May 8, 1965)
2. Privately owned recreational facilities such as 1/3 mile oval race track, rodeos, circuses, etc. (March 2, 1972) on the following described property:

W $\frac{1}{2}$ of SW $\frac{1}{4}$ of SW $\frac{1}{4}$ AND E $\frac{1}{2}$ of SW $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 26, T 22 S, R 32 E, AND W $\frac{1}{2}$ of NW $\frac{1}{4}$ (less SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of NW $\frac{1}{4}$), Sec. 35, T 22 S, R 32 E, together with easement for ingress and egress over N 60 ft. of SE $\frac{1}{4}$ of SW $\frac{1}{4}$, West of Rd., Sec. 26, T 22 S, R 32 E, which is located West dead-end of easement, 800 feet West of East Highway 50, 5/10 mile Northerly of intersection of East Highway 50 and St. Rd. 420.

A motion was made by James Panico, seconded by Bud Elde and unanimously carried to sustain the previous actions of the Board of Zoning Adjustment on May 8, 1965 and March 2, 1972 and denied the petition to rescind or modify said actions.

All persons are advised that all documentary evidence and other matter submitted to and considered by the Board of Zoning Adjustment will be part of the record presented to and will be received by the Board of County Commissioners as evidence in the Appeal.

The hearings will be held at the time shown above or just as soon thereafter as time permits.

Lou Masterson

LOU MASTERSON, ZONING DIRECTOR
Orange County, Florida

NOTICE

If you anticipate action in the Courts, it is suggested that you have a Court Reporter present for this hearing.

NOTICES SENT TO THE FOLLOWING ON APPEAL OF BITHLO SPEEDWAY

PUBLIC HEARING NO. 20

REVIEW HEARING NO. _____

BOARD OF ADJUSTMENT _____

*Envelopes
Typed*

Continued from
DATE April 11, 1978

Carolyn Blackmill
107 E. Rt. 4
Orlando, FL 32807 ✓

Ann Arbantec
Rt. 4, Box 107 R
Orlando, FL 32807 ✓

Gail Page
Rt. 4, Box 107-C
Orlando, FL 32807 ✓

Phoebe C. Engle
Rt. 4, 107-R
Orlando, FL 32807 ✓

Belle Carmack
Rt. 4, Box 113
Orlando, FL 32807 ✓

Judy Johns
Rt. 4, Box 113
Orlando, FL 32807 ✓

Atwood Williams
Rt. 4, Box 112
Orlando, FL 32807 ✓

Lonnie & Stacy Beam
Rt. 4, Box 112
Orlando, FL 32807 ✓

Lionel & Loretta LeBrun
Rt. 4, Box 101 E
Orlando, FL 32807 ✓

Amy Lou Walls
Rt. 4, Box 115 B
Orlando, FL 32807 ✓

Joseph C. Morgan
Rt. 6, Box 964-C-1
Orlando, FL 32807 ✓

Mr. John Doler
973 N. Belevvedere Rd.
Bithlo, FL ✓

Mrs. Scott
Rt. 6, Box 96985
Bithlo, FL ✓

Mr. Carl Wiseinger
2113 Moser Dr.
Orlando, FL ✓

Mr. Billy & Sandra Herndon
Rt. 4, Box 161
Orlando, FL ✓

Chester D. Hiatt, Estate, ETAL
Rt. 4, Box 161
Orlando, FL 32807 ✓

Lawrence D. Hiatt, Estate, ETAL
Rt. 4, Box 161
Orlando, FL 32807 ✓

Walker Development Corp.
510 Mariposa St.
Orlando, FL 32801 ✓

Carrigan & Boland, Inc.
672 N. Orange Ave.
Orlando, FL 32801 ✓

Werner & Dominica Neeff
Rt. 4, Box 115 C
Orlando, FL 32807 ✓

Francis & Annie Blanchard
1569 Military
Detroit, Michigan 48209 ✓

Robert Blanchard
1569 Military
Detroit, Michigan 48209 ✓

Fern R. Jones
4990 Cedar Ridge Ave.
Grand Rapids, MI 49505 ✓

Myron Golembiewski
2477 Norton Rd.
Howell, MI 48843 ✓

Frank & Annie Fay Cerbantes
Rt. 4, Box 197 R
Orlando, FL 32807 ✓

George C. Trepanier
1806 Madera Ave.
Sanford, FL 32771 ✓

Wallace Flax, Trustee
99 Jericho Turnpike
Jericho, N. Y. 11753 ✓

Armando & Severine
Hernandez
512 N. Azusa Ave.
Azusa, Calif. 91702 ✓

Kenneth D. Rosen, Trustee
3746 W. Flagler St.
Miami, FL 33134 ✓

Sam Owens, Atty.
170 E. Washington St.
Orlando, FL ✓

Billy & Sandra Herdon
5025 Homer Ave.
Tampa, FL 33609 ✓

NOTICES SENT TO THE FOLLOWING ON APPEAL BITHLO SPEEDWAY

PUBLIC HEARING NO. 20

REVIEW HEARING NO. _____

BOARD OF ADJUSTMENT NO. _____

Continued from
DATE April 11 1978

Garold E. Atwood
Rt. 4, Box 110A ✓
Orlando, FL 32807

Wilden & Vergie Martin
Rt. 4, Box 106C ✓
Orlando, FL 32807

M. E. Azzotino
Rt. 4, Box 110 ✓
Orlando, FL 32807

Mr. & Mrs. Elmer Cooper
Rt. 4, Box 106A ✓
Orlando, FL 32807

Hazel Williams &
Iran Crosby
Rt. 4, Box 103E ✓
Orlando, FL 32807

Elaine McKinnon &
George Nightingale
Rt. 4, Box 108 ✓
Orlando, FL 32807

Norma Waldrop
Rt. 4, Box 105 ✓
Orlando, FL 32807

K. L. Taylor
Rt. 4, Box 109D ✓
Orlando, FL 32807

Lawrence Morris
Rt. 4, Box 109C ✓
Orlando, FL 32807

Mrs. A.-L. Hutchinson
Rt. 4, Box 109B ✓
Orlando, FL 32807

Ronald A. Pinkhau
Rt. 4, Box 115-D ✓
Orlando, FL 32807

Beulah Reed
Rt. 4, Box 101E ✓
Orlando, FL 32807

Gillier, Robert
Rt. 4, Box 101F ✓
Orlando, FL 32807

Mrs. Miskovsky
Rt. 4, Box 101D ✓
Orlando, FL 32807

Gatha & Callum Swain
Rt. 4, Box 114 ✓
Orlando, FL 32807

Stewart & Esther Hinson
Rt. 4, Box 111-A ✓
Orlando, FL 32807

Mary & Charles Laster
Rt. 4, Box 111A ✓
Orlando, FL 32807

Roger Webb
Rt. 4, Box 106C ✓
Orlando, FL 32807

Gail Berrisford
Rt. 4, Box 110 ✓
Orlando, FL 32807

Ran Crosby
Rt. 4, Box 103E ✓
Orlando, FL 32807

Mr. Tony Polaro
Rt. 4, Box 105B ✓
Orlando, FL 32807

Clifton Norman
Rt. 4, Box 105W ✓
Orlando, FL 32807

Mr. & Mrs. Lawrence Harper
Rt. 4, Box 109 ✓
Orlando, FL 32807

B. F. Wertz
Rt. 4, Box 107 W ✓
Orlando, FL 32807

Mr. John E. Carmichael
Rt. 4, Box 108A ✓
Orlando, FL 32807

Glenn & Grace Shultz
RR 4, Box 107-N ✓
Orlando, FL 32807

Susan Morris
RR 4, Box 107-M ✓
Orlando, FL 32807

Newman & Thelma Stillings
RR 4, Box 107W ✓
Orlando, FL 32807

Ronald E. Lafnear
Rt. 4, Box 107F ✓
Orlando, FL 32807

Herman & Ann Conderg
Rt. 4, Box 101C ✓
Orlando, FL 32807

Willma Powell
Wellon St. ✓
Orlando, FL 32807

Ronald C. Lingle
Rt. 4, Box 107 ✓
Orlando, FL 32807

Wyatt Kelley
Rt. 4, Box 110 ✓
Orlando, FL 32807

William & Mary Swinhira
Rt. 4, Box 109C ✓
Orlando, FL 32807

Lawrence Morris
Rt. 4, Box 109C ✓
Orlando, FL 32807

Bill & Penny Kelly
Rt. 4, Box 110C ✓
Orlando, FL 32807

Raymond Mayse
106 Lansing St. ✓
Orlando, FL

Robert C. Kilovington
Rt. 4, Box 115 ✓
Orlando, FL 32807

Richard Kelly
Rt. 6, Box 964A ✓
Orlando, FL 32807

Joseph G. Rayazinsky
Rt. 6, Box 777C-2 ✓
Orlando, FL 32807

Nora C. Spalding
Rt. 6, Box 973 ✓
Orlando, FL 32807

Lorne McHester
973 N. Balavadera Rd. ✓
Orlando, FL 32807

Donnilda M. Cary
Rt. 6, Box 973 ✓
Orlando, FL 32807

Annie B. Townsend
Rt. 6, Box 973 ✓
Orlando, FL 32807

Russell Shadle
Rt. 6, Box 694-A ✓
Orlando, FL 32807

Manika Linke
Rt. 4, Box 110-A ✓
Orlando, FL 32807

Foreman R. Albert
101 B Wellon Ave., Rt. 4 ✓
Orlando, FL 32807

Mr. & Mrs. Jerry Lambing
Rt. 4, Box 110 B ✓
Orlando, FL 32807

Mr. & Mrs. Norman R. Albert
101-B Wellon Ave. Rt. 4 ✓
Orlando, FL 32807

Mr. & Mrs. Thomas G. Houser
Rt. 4, Box 101 ✓
Orlando, FL 32807

Florence Morgan
Rt. 4, Box 102 ✓
Orlando, FL 32807

Alice Mae Callahan
Rt. 4, Box 102 ✓
Orlando, FL 32807

Joseph Parham
Rt. 4, Box 107 B ✓
Orlando, FL 32807

August 31, 1981

We the undersigned who live in the residential area adjacent to the race tracks on Highway 50 at the junction of Highway 520, ask that the Zoning for these tracks be rescinded or modified to eliminate all Jet Cars, to keep the noise down to a bearable decibel range and to stop all racing by 11 p.m.

<u>NAME</u>	<u>ADDRESS</u>
Norman Stillings	RT 10 PAWLES ORLANDO
Thelma Stillings	
House Tatham	Rt 10 Box 112 A Orlando
Joseph D. Tatham	Rt 10 Box 112 A Orlando
Mr. & Mrs. Bob Brown	RT 10 Box 112 D Orlando
Shirley Westberry	Rt 10 Box 107 C1 Orlando
Mary Rowell	Rt 10 Box 107 C1 Orlando
Albert Cline	Rt 10 Box 107 P Orlando
Kathy Cline	Rt 10 Box 107 P Orlando
Bobbie Lee Cline	Rt 10 Box 107 D Orlando
Charles C. Engle	Rt 10 Box 107 K Orlando
Beatrice Turner	Rt 10 Box 107 L Orlando
Norma Walden	Rt 10 Box 107 M Orlando
Ernest Turner	Rt 10 Box 107 N Orlando
Cliff R. Price	Rt 10 Box 107 O Orlando
Mr. & Mrs. James Tucker	Rt 10 Box 105 - C Orlando
Arnell Ruler	Rt 10 Box 106 Orlando

NAMEADDRESS

Ennetta L. Taylor
Betty Taylor

Esther M. Jensen

Charles B. Laster

Mary A. Laster

Berna Baer

Gerald Baer

Helen Baer

Fannie Casale

Masie Miskovsky

Shirley Surrall

Maeb Lamb

Mary Swindum

Bill Swindum

Sam Simkus

Nanni Simkus

Lois Stucky

Jelma Chancey

Joan Yates

Ron Yates

Route 10, Box 111 A. Orla
32820

Route 10 Box 111A Orlando

Route 10 Box 111A, Orlando

Rt 10 Box 101F and

Route 10 Box 101F Orlando

Rt 10 Box 101F Orlando
32820

Rt 10 Box 101D Orlando Fla 32820

Rt 10 Box 101D Orlando Fla 32820

Rt. 10, Box 101A, Orl. Fla. 32820

Rt 10 Box 109A Orlando, 32820

Rt # 10 Box 109C Orl, Fla 3282

Rt # 10 Box 109C Orl, Fla 32820

Rt # 10 Box 105B Erc Fl 32820

Rt # 10 Box 105B C.L. FL 32820

Rt 10 Box 111E C.L. Fl 32820

Rt 10 Box 111E Orl Fla. 32820

Rt 10 Box 111D Orlando 32820

Rt 10 Box 111D Orlando 32820

NAMEADDRESS

<u>NAME</u>	<u>ADDRESS</u>
Emile C. Lingle	RT 10 Box 107 Pawles Orlando
Jack Neal	RT 10 Box 111B Orlando
Norman R. Albert	RT 10 101B Mellon Ave Orlando FL
Werner Neff	RT 10 Box 115C ORLANDO FLA
Bruce R. O'Quinn	RT 10 Box 104H ORLANDO FLA
Paul & Marlene LaFata	RT 10 Box 115E Orlando FLA.
Elmer & Mollie Cooper	RT 10 - Box 106A - Orlando FL

Absentee Winter Residents

Emil + Fern Cook 601 N. Gunway S.E.
Glen Burnie, Md. 21061

Basil + Naomi Eccles 15346 Casbury Park
Detroit, Michigan 48227

Russell + Naomi Hall 2351 N.E. 14th St.
Pompano Beach, Fl. 33062

Willard Hatfield 908 Grand St.
Fenton, Michigan
48430

August 31, 1981

We the undersigned who live in the residential area adjacent to the race tracks on Highway 50 at the junction of Highway 520, ask that the zoning for these tracks be rescinded or modified to eliminate all Jet Cars, to keep the noise down to a bearable decibel range and to stop racing by 11 p.m.

NAME

ADDRESS

Frank D. Chuchilo

RT. 10 BOX 105X Orlando
FL. 32820

Melvin Velez

RT. 10 BOX 106 ORLANDO

Raymond Mayne

Rt. 10, Box 106, Orlando, Fl.

Leon S. Davis

Rt. 10 Box 103 H. Orlando Fla

Robert V. Watkins

Rt 10 Box 110 Orl, Fla.

Lucy Watkins

Rt. 10 Box 110D, Orl. Fla.

Ladelle Deddings

Rt. 10 Box 110D, Orl. Fla.

Quaila L. Davis

Rt 10 Box 103 Hail Fla

Mrs. Mrs. Jessie Collins

RT10 Box 106 orl Fla -

Wm. Davis

Rt 10 Bx 110 Orl Fla

Marilyn E. Arzoline

Rt 10 Box 110 Orland, Fla.

Florence Bonsignore

~~P.O. Box 341 Christmas Fl 32709~~

Anthony Bonsignore

PO Box 341 CHRISTMAS FL 32709

Carroll E. Atwood

PC Box 11A Rt 10, Orlando 32820

Sigrid L. Atwood

" " " "


INTEROFFICE MEMO

ORANGE COUNTY

ORLANDO, FLORIDA

FLORIDA

July 14, 1981

To: Lou Masterson, Zoning Director
From: Karen A. Edwards, Assistant County Attorney 
Re: Bithlo Speedway

It is my understanding that the Board of County Commissioners has called its own hearing on the special exception granted ~~some years ago~~ for Speedworld (Bithlo Speedway). As noted in your June 16, 1981 memo to Commissioner Treadway, the BZA in February, 1978 upheld the earlier granted special exception and refused to modify any of the conditions placed on the operation of the speedway. On an appeal from the BZA decision, the Board, in April, 1978, continued the matter for further staff work. The matter was never rescheduled and has apparently remained in its "continued" status until the Board, very recently, called it up for a hearing.

If the Board wishes to review, modify or revoke this special exception, the matter should first be considered by the BZA at a public hearing. In my opinion the Board cannot "continue" a zoning appeal decision for over 3 years and then set a date to hold a final hearing on the matter. As you know, §37-16 of the County Code requires the Board to render its decision within 45 days of the filing of the notice of appeal.

Due to the extreme lapse of time that has occurred here, I would strongly recommend that if the Board wishes to review this special exception, the matter be scheduled first for a hearing by the BZA.

If you have any questions, please call me.

KAE/cw

cc: Commissioner Lou Treadway
James Harris, County Administrator
J. Charles Gray, County Attorney

RECEIVED

JUL 15 1981

CLERK OF COURT

ORANGE
COUNTY
FLORIDA

ORLANDO, FLORIDA

ORANGE COUNTY ATTORNEY
GRAY, ADAMS, HARRIS AND ROBINSON
P. O. BOX 2068
SUITE 1200, SOUTHEAST NATIONAL BANK BUILDING
ORLANDO, FLORIDA 32802

May 11, 1979

TO: Lou Moody, Interim Zoning Director
FROM: James F. Page, Jr.
Assistant County Attorney
RE: Speedworld, Bithlo, Florida

Thank you for your memorandum of May 7, 1979.

§37-15 of the Orange County Code provides:

"Any person aggrieved by a decision of the Board of Zoning Adjustment, the Planning and Zoning Commission, or the decision of the Board of County Commissioners on review of the recommendations of the Planning and Zoning Commission, may file notice of appeal to the Board of County Commissioners within fifteen (15) days after such decision is filed with the Clerk, or secretary of such commission or board."

The County cannot consider an appeal requested seven (7) years after the Board of Zoning Adjustment granted a special exception that was not appealed at that time. The Board of Zoning Adjustment or the County Commission could have imposed conditions on the special exception at the time it was granted. There is no legal basis for imposing new conditions seven (7) years after the appeal time has run.

If Speedworld is violating any special conditions imposed upon it in 1965 or 1972, the County has a right to enforce the special conditions or revoke the special exception. If there are no

Lou Moody
Page Two
May 11, 1979

special conditions on a special exception, a County-wide noise ordinance is the only solution to the problem.

If I can be of any further assistance, please advise.

JFPjr/mm
cc: J. Charles Gray
James L. Harris
John K. K. K.

ORANGE COUNTY

ORLANDO, FLORIDA

FLORIDA

J. M. BATEMAN, P. E.
POLLUTION CONTROL MANAGER

POLLUTION CONTROL DEPARTMENT
200 EAST HIGHWAY AVENUE
ORLANDO, FLORIDA 32801
TELEPHONE (800) 455-5102

POLLUTION BOARD
BEN GILEY, CHAIRMAN
JOLLY KELLEY, V. CHAIRMAN
HARRY BERTONIA
WILLIAM PALM
T. IPATI GREEN

April 10, 1978

Memorandum

To: Jim Smart, Director Zoning Department

From: John M. Bateman, Pollution Control Director *John*

Subject: ~~Speedworld in Stahle~~

In response to a group of citizen requests relayed by Mr. John Dolan, this department took sound level readings at two points adjoining the Speedworld Race Track. The readings were taken on Sunday morning, April 9, 1978.

One set of readings were taken next to the mobile home of Mr. Neeff on Wellon Avenue (behind the drag strip). Readings ranging from 73-77.5 dBA were noted. Another set of readings was taken at the home of Mr. Albert on the corner of Wellon and Nash Streets. This location was about 3 lots north of Mr. Neeff and readings were in the range of 65-69 dBA. Brief ambient levels obtained between races were below 60 dBA in the range of 55-58 dBA. As we discussed during our earlier conversations regarding the proposed Noise Ordinance - EPA recommendations for residential areas are maximums of 60 dBA and lower at night.

MDS
MDS/dr

April 11, 1978

Page 2

to others in our community of the value of learning and applying these lifesaving techniques in times of extreme emergency.

Board of
Zoning
Adjustment

B. Herndon

Notice having been given that the Board of County Commissioners would sit as a Board of Appeal to hear those for or against the action of the Board of Zoning Adjustment under date of January 5, 1978 on the request of Billy and Sandra Herndon for a determination on whether a Special Exception originally approved as follows should be rescinded or modified:

1. Vehicular speed test strip (drag strip) May 8, 1965.
2. Privately owned recreational facilities such as 1/3 mile oval race track, rodeos, circuses, etc. March 2, 1972 on the following described property:

W/2 of SW/4 of SW/4 and E/4 of SW/4 of SW/4 Sec. 35, T 22 S. R 32 E, together with easement for ingress and egress over N 60 ft. of SW/4 of SW/4, West of Ad., Sec. 26, T 22 S, R 32 E, which is located West dead end of easement, 800 ft. West of E. Highway 50, 5/10 mile Northerly of intersection of E Highway 50 and State Road 420.

and the hour having arrived, the Chairman called the hearing to order.

Zoning Director, Jim Smart, located the property on an aerial map and reviewed the prior action taken by the Board of Zoning Adjustment.

Mr. Gerald Atwood, one of the group appealing the Special Exception, was present, and said originally a petition had been submitted in June or July of 1977 regarding the request for limitation of the hours the drag strip was in use.

Mr. Atwood said in January the Board of Zoning Adjustment had indicated they would go out and visit the track to determine how much noise was made there and also that they would notify the petitioners of the next meeting date. However, on February 3rd, Mr. Atwood stated, he was notified that the Board of Zoning Adjustment had held a meeting and had denied the petition, and no one had been notified of the meeting. Mr. Atwood talked to the Board of Zoning Adjustment following the meeting and was advised he had fifteen days during which time an appeal on the decision could be filed. Mr. Atwood said the petitioners had also sent letters to Governor Askew, Attorney General Shevin and the Environmental Protection Agency in Atlanta. As a result of the letter to Atlanta, the Department of Environmental Regulations in Orlando had been contacted and last Sunday morning a member of the Department of Environmental Regulations had been out to inspect the area. With him had been Mr. Martin Schmidt, Environmental Specialist of the Orange County Pollution Control Department. Although there were no races in progress during the time the decibel readings were made, they

April 11, 1978

Page 2

were above what was normally acceptable. However, the night before (Saturday night), the noise had gone on past 2:00 a.m. in the morning, and the people in the area had to put up with the extreme noise all night long. Before becoming a part of Orange County, the people of Bithia had been advised there was nothing which could be done, and now the people were thankful to be able to make appeal to the Orange County Board of County Commissioners. Mr. Atwood said they were all fed up with the noise and the disturbance of not being able to sleep nights. To be ill and not able to sleep, he stated, was one of the worst things that could happen to a person, and he and his neighbors felt there must be a time barrier on the racetrack operation so that the growing community could get some much needed rest over the weekend.

Commissioner Arthur asked if there had been any stipulations to the original Special Exception when granted.

Mr. Smart advised the original approval was granted in 1965 and said at that time the racetrack was used one day during the week and during the day on weekends. Then, as it grew and expanded, the hours increased to several days during the week and to evenings as well.

Commissioner Fischer asked if residents had lived in the area prior to the existence of the drag strip.

Mr. Smart stated there had been a few residents in the immediate area and then others had moved in afterwards.

The Chairman asked for a show of hands regarding the noise complaint as there were approximately twenty people present regarding the issue. Of those, about 80% present were there to complain against the noise.

Mr. John Dolan was present and advised he was present at the drag strip when Mr. Schwabel had visited it Sunday morning, and Mr. Dolan stated that citizens were also there then in rather large numbers. However, while spending two and a half hours at the racetrack, there were no races going on. Mr. Dolan did feel if the County was in the business of licensing and permitting drag strips, the County should also be in the business of regulating them to some degree. Discussion was given to the noise decibels and to parameters at the drag strip. The County Attorney advised at the time the Special Exception had been granted for the drag strip, no time limit had been placed on it. Attorney Gray said if the owners of the racetrack property had relied on the Special Exception and had constructed the facilities as had been done, the County Commission did not have the authority to rescind the Special Exception under provisions in the Ordinances. The attorney explained in detail the Ordinances and laws which governed the issue at hand. However, he stated, there might be other noise-control ordinances or

April 11, 1978

Page 4

statutory nuisance laws which could control noise action and which could be enforced through the State Attorney. Mr. Gray affirmed the fact that the Board of County Commissioners did not have the authority to rescind the Special Exception which had been granted.

Commissioner Fischer said if the Board had no authority to rescind the Special Exception, it did have the authority to establish operating hours within reasonable hours of tolerance.

Attorney Gray said under Special Exception that would be questionable. He stated there might be other Ordinances under which regulatory hours could be enforced, but at the present point in time, the attorney felt the County could not impose restrictions infringing on the property owner.

Discussion was given to infringements of rights of property owners and to a citizen's right to peace and enjoyment in life.

Commissioner Chira asked the County Attorney if he could do further research on the matter to find some logical compromise which would limit the hours of operation of the drag strip. The Commissioner then made an analogy to outdoor theatre screens which had infringed upon the personal rights of others and which had to be restricted. Discussion followed on the methods and approaches which could be used to alleviate the noise nuisance.

The County Attorney agreed to research the matter regarding the infringements and rights of neighbors. Further, he advised, if the Board decided to pass a Resolution rescinding the Special Exception, there was a strong potential for a law suit with damages against the County, as the owner of the drag strip had a large financial investment in the property.

A motion was made by Commissioner Chira, seconded by Commissioner Fischer, to continue the hearing at a future date, with full testimony which would advise exactly what the Board could do regarding the matter.

Discussion was given to the motion and the Chairman felt since there were so many people attending the hearing, some of them should speak despite the fact that the Board could not give a ruling on the issue at the present time.

The County Administrator passed a pad throughout the Chambers to the interested parties so that they could be notified beforehand when the Board would discuss the matter further.

Mr. Stuart Ninson, a long time resident of the area near the track, was present in a wheelchair, and advised of the past history of the area. Mr. Ninson said he and his wife had put up storm windows for insulation and had done everything possible to keep out the noise but were unsuccessful in doing so. At the time,

April 11, 1978

Page 4

April 11, 1978

Page 5

Mr. Hinson had bought his home he had been assured that the races would be held on Wednesday and Sunday nights only.

Mr. Ronald Pinkham was present and advised he lived on the west side of the drag strip. Mr. Pinkham said the previous Saturday night he had tried in vain to sleep and could not sleep due to the excessive noise from the drag strip. Mr. Pinkham said he had a nervous condition which was worsened by the inability to sleep and the constant noise was making him more nervous and irritable. Mr. Pinkham said he too had been told the noise would not go past 11:00 p.m. and the noise on the past Saturday night had gone on long past 2:00 or 2:30 a.m.

Mr. Norman Albert was at the hearing and stated he lived on the north side of the drag strip. Mr. Albert said it was not his intent to try to put the drag strip company out of business, but he had two small children, and on Saturday night they were kept awake all night long by the extreme noise. Mr. Albert said in order to hear his television above the din, he had to blast the sound. Mr. Albert stated he could not afford to run the air conditioning all the time because of the high cost of electricity. Further, Mr. Albert stated, during 1977 a rock festival had been held at the track and the noise had been continuous from Saturday morning until 6:00 p.m. Sunday night.

Mr. Donald Loffner was present and said he lived about two blocks from the drag strip. Mr. Loffner complained also about the incessant noise and stated there were times when championship races were held and the cars raced engines all night for the following day's races. Also, the public address system was in use at all odd hours with singing and calling to people, and Mr. Loffner said he had called the police several times to complain about the excessive noise. Mr. Loffner intimated activities other than racing were going on at the drag strip.

Attorney Robert Segal was present at the hearing representing the owners of the drag strip, but said they would rather make their presentation at the continuation of the hearing.

Commissioner Martin made reference to prior minutes of a meeting at which the Special Exception had been granted in 1972, as he had been one of the Commissioners present at that meeting. It was the Commissioner's recollection that the Special Exception was granted for a year or two only and requested that the minutes be checked regarding this matter. If not expressly stated in the minutes, the Commissioner and the County Attorney, would a sworn statement on the point by a Commissioner who had been present at that time be of any legal assistance. The County Attorney said he would study the minutes in his research, and added a statement made as part of a Resolution would certainly be effective if it could

April 11, 1978

Page 5

April 11, 1978

Page 6

be shown that it was in effect part of the Special Exception when granted. The County Attorney said he felt the people were under a tremendous burden because of the nature of the operation. Attorney Gray said if there was any way the County could regulate the operation through an Ordinance, he would find it. Commissioner Martin recalled the prior hearing of 1972, and at that time it had been said that the racetrack was way out in the boondocks and would not cause any harm. The Commissioner said he would gladly give the attorney any information he could recall and was sure the Zoning Director, Jim Smart, would do the same. Commissioner Arthur suggested the attorney for the track property owners might meet with the attorney representing the petitioners to discuss matters. Attorney Gray said he would rather forestall that particular meeting but would rather see the attorney of the track owners discuss with him guidelines for the CONTINUOUS USE OF the property for the better welfare of all.

The Chairman called on the motion by Commissioner Chira to continue the hearing and the motion carried unanimously.

Supervisor of
Elections
Tourist
Development
Tax Vote

The Supervisor of Elections, Dixie Barber, was present at the meeting and advised the Commissioners that all was going well with the preparations for the County referendum to be held on April 25th regarding the Tourist Development Tax. Mrs. Barber advised all the machinery was in order and would appreciate the Board's sending a Commissioner and two disinterested citizens to inspect the equipment to confirm all was in order for the equipment to be placed in the one hundred and forty-three (143) precincts prior to the day of the referendum. Commissioner Chira volunteered to be the Commissioner from the Board to inspect the equipment.

John Dolan and George Ensey, who were present at the meeting, were asked to inspect the equipment on Monday, April 17th, at the building designated by the Supervisor of Elections. Both gentlemen agreed to do so. Upon a motion by Commissioner Fischer, seconded by Commissioner Chira and carried, the Board appointed John Dolan and George Ensey to inspect the equipment as requested.

The Chairman commended the two citizens for giving their time and effort to the County.

April 11, 1978

Page 6

E. Hwy. 50, 5/10 mile W of O'Berry-Hoover Rd.

(Tract area: 4.5 acres. District No. 5)

Mr. Lewis told the Board that he has changed the wiring so that it is underground and he has a water system but now needs approval for an on-site sewage treatment plant in order to complete his mobile home park. The septic tanks are too small and are not adequate to use now. The plant would be placed on the rear of his property. A hole on the back of the land will be used in conjunction with the plant as a holding pond. He has 16 of the 20 spaces allowed and septic tanks are not permitted. Conditional use was granted to him for this purpose in 1960. A plan was submitted for the plant.

There was no opposition.

A motion was made by Toney Smith, seconded by Mr. Marcum, and unanimously carried to approve the application.

24. ~~B. H. Rauch, request for a special exception in an A-2 zone for privately owned recreational facilities on the following described property: W $\frac{1}{2}$ of SW $\frac{1}{4}$ of SW $\frac{1}{4}$ (less N 250 ft. and less S 30 ft.) Sec. 33, T 24 S., R 31 E, which is located S/s Clapp Sims and Duda Rd., 1/2 mile east of St. Rd. 15.~~

~~(Tract area: 20 acres. District No. 4)~~

~~The applicant was not present or represented.~~

~~A motion was made by Charles Marcum, seconded by Steven Stans, and unanimously carried to table the application until April 6, 1972.~~

25. Harry D. Bell, request for a special exception in an A-2 zone for privately owned recreational facilities such as 1/3 mile oval race track, rodeos, circuses, etc. on the following described property: E $\frac{1}{2}$ of SW $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 26, T 22 S., R 32 E.; AND NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of NW $\frac{1}{4}$ AND E $\frac{1}{2}$ of NW $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec. 35, T 22 S., R 32 E., which is located approx. 5/10 mile west of intersection of E. Hwy 50 and St. Rd. 520 Cloverleaf and 700 ft. S of E. Hwy 50.

(Tract size: 40 acres. District No. 5)

A plan was submitted with the application. Mr. John Bennett represented the applicant and said Mr. Bell wants to operate a race track. They are surrounded by a drag strip and a mini-drag strip. Mr. Bennett said they plan a 1,000 seat bleacher (steel structure with wooden benches). They will have an ambulance and two technicians on duty at all times during the races. He said they have no access problem. All health department regulations would be met.

Stock car races would be held on Friday nights and the track will be paved. Mr. Bennett said they do not plan to hold any "rock festivals" but they do want

to have other types of entertainment such as rodeos, circuses, and shows such as the Grand Old Opry, etc. Mr. Smart told Mr. Bennett that was concerned about the "etc." uses requested in the application in that left the types of entertainment to be presented in too vague a category. felt that, if granted, the special exception should specify what type of would be allowed.

Mr. Harry Bell, the applicant, was present and stated that he had a thought of the health department requirements and would work these out factorily.

Protection of the spectators was discussed and Mr. Bennett said they have to meet all the insurance requirements before they could obtain coverage. There was no opposition.

A motion was made by Steven Stans, seconded by Charles Marcum, and unanimously carried to approve the application for a 1/3 mile oval race rodeos and circuses; providing a guard rail is erected according to insurance requirements with a dead area of 10 ft. in back of the guard rail and the another fence ten ft. high (called a wheel fence).

TABLED ITEMS

Tabled from January 6, 1972

1. Hal L. Curry, Trustee, request for a special exception in an R-1AA zone to install sewage treatment plant on property located 700 ft. E and 4/10 mi. of Reams Rd. and Ficquette Rd. (Tract area: 6 acres. District No. 3)

In that application No. 2 of the meeting of March 2, 1972, was approved this tabled request became unnecessary. A motion was made by Steven Stans, seconded by Charles Marcum, and unanimously carried to deny this application.

Tabled from February 3, 1972

9. Max Mogul, request for a variance in R-1A zone to allow paved off-street parking for a building which is to be placed on the property immediately south of the property in question. This parking lot would be surrounded by masonry or hedge and is located N/S of Aldrich Avenue, 100 ft. N of Lee Road. (Tract size: 72x150. District No. 5)

This application was tabled in February in order to ask for a study by the Planning Department. Mr. Smart announced that the land use study would be completed later in March and suggested that this be re-tabled. A motion was made by Tony Smith, seconded by Steven Stans, and unanimously carried to table the application until April 6, 1972.

MEETING OF MARCH 2, 1972

Page

this tract nor are they in a position to at this time. Mr. Dealer presented a letter from William M. Bostwick, Jr., Acting Regional Sanitary Engineer, regarding the Azalea Park wastewater treatment plant. The letter mentioned that the Orange County would have the responsibility for completing a canal in question. He said they would prefer to tie into a permanent sewer line but in lieu of that they would like this special exception to install an individual plant.

Mr. W. A. Dawson, 6827 N. Orange Blossom Trail, said he plans to build 235 homes in this zone which would cost around \$17,000. Over 300 lots are on the plot plan and the sewer plant would be for those lots. It was shown on the plan in the northwest corner of the property, and would be an extended aeration plant.

The engineer said Mr. Dawson could relocate his plant if necessary to keep it confined within his own property.

Mr. Jack Morrison, 8600 Caracas Avenue, the president of the Rio Pinar Civic Association said a petition with 92 names had been submitted by those in opposition. He feels the home owners in Rio Pinar would be affected by this project.

There was no further opposition.

A motion was made by Ralph Ward, seconded by Steven Stans, and unanimously carried to approve the application subject to the site plan submitted.

19. George McLarry, attorney: Request for a special exception in an A-2 zone for dirt race track on property which is located 3/10 mile south and 4/10 mile west of E. Hwy. 50 and St. Rd. 520.

(Tract area: 30 acres. District No. 5)

Mr. McLarry, representing Mr. Lawrence Hiatt, the owner of the property, passed out copies of the site plan and showed the proposed track as it would be on the land. Ten acres are planned for parking with spectator areas and fences according to the requirements of the insurance company involved. A copy of the letter from the insurance company as interpreted by Mr. Hiatt was presented.

Mr. McLarry said there will be a special fenced area for spectators and they will not be allowed beyond the parking area and the spectator round behind the fence. The pit area would be on the other side of the track. It is not shown on the plan, but there will be a guard rail all around the track and the fences will only be between the spectators and the driving area.

He says there is a public road now on the land because this used to be for a dairy operation. The owner has a home abutting this tract. Access would be from Hwy 50 through Mr. Hiatt's property.

There was no opposition at this hearing but a letter in opposition was received from Carrigan & Boland at the first hearing in December.

A motion was made by Ralph Ward, seconded by Charles Marcum, and unanimously carried to approve the application as per the site plan submitted and according to requirements of the insurance company which are set out in letter dated December 28, 1971, from Lawrence L. Hiatt.

A motion was made by Charles Marcum, seconded by Steven Stans, and unanimously carried to approve the minutes of December 2, 1971.

ATTEST:

Margaret Robinson
SECRETARY

Gus Miller
CHAIRMAN

MEETING OF FEBRUARY 3, 1972

The Board of Zoning Adjustment met in the County Courthouse Annex in the Commissioners' Chambers on Thursday, February 3, 1972, at 9:00 A. M.

PRESENT: Gus Miller, Chairman
Ralph Ward, Vice Chairman
Steven Stans
Charles Marcum

ALSO PRESENT: Jim Smart, Zoning Director
Steve Bechtel, County Attorney
Mrs. Thelma Stewart, Zoning Technician
Mrs. Margaret Robinson, Recording Secretary

Chairman Miller called the meeting to order and the following applications, as advertised, were brought up for a public hearing:

1. Eure Bros., Inc., request for a special exception in an A-2 zone for privately owned airplane landing field with accessory facilities such as service, motel, etc. on the following described property: S½ of NE¼ (less R/W) Sec. 20, T 20 S., R 27 E., and SW½ of SW¼ of NW¼ (less R/W and less E 180 ft. N of R/W) Sec. 21, T 20 S., R 27 E., which is located S'ly side of SCL RR, one mile west of Hwy. 441 (Zellwood).
(Tract area: 47.5 acres. District No. 2)

Mr. Mac Eure represented the corporation and said they have an airstrip on this property and have extended their runway to 3500 ft. This is one of the few east-west runways in Central Florida. A site plan was presented and Mr. Eure said they want to expand their hangar area and will provide indoor storage for approximately 20 airplanes. They plan an 80x60 hangar to be constructed immediately and would erect others in the future. They also want to construct a motel with approximately 10 units to accommodate visitors. Primarily, the strip is used for crop dusting planes as this is in an agricul-

4/10 mile north of E. Hwy. 50.

(Tract size: 182x160. District No. 5)

Mr. William Hims, attorney, represented the applicant and stated that they need this location for a #2 Fire Station in this district. This general area is designated by the Board of Underwriters and they select a site within the area. When questioned, Mr. Hims stated that they would erect a caution light at the entrance if St. Rd. Department requires it.

There were no objections. A letter was received from Joseph Batlemente, president of Florentes, Inc., 29433 Southfield Road, Southfield, Michigan. Mr. Batlemente authorized Mr. DeFranco to speak in their behalf and he said they were in favor of the request.

A motion was made by Charles Marcum, seconded by Ralph Ward, and unanimously carried to approve the application.

19. George C. McLarry, attorney, request for a special exception in an A-2 zone for dirt race track on the following described property: $\frac{1}{2}$ of NE $\frac{1}{4}$ of NW $\frac{1}{4}$

AND NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 35, T 22 S., R 32 E., which is located 3/10 mile south and 4/10 mile west of E. Hwy 50 and St. Rd. 520.

(Tract area: 30 acres. District No. 5)

Mr. McLarry, attorney, was present to represent the owner, Lawrence Hiatt, stating that he wants to install a dirt track for dune buggy races. The owner also owns the property to the north which leads to the highway. He does not propose to have night racing and will not erect large bleachers. He plans to build a dirt embankment for protection of the drivers and then a high embankment for spectators. Fifteen acres of the land will be used for parking and they will have weekend racing only. They will provide proper insurance for racers and spectators. Access to the property will be through the Herndon property adjoining. Sanitary facilities would be installed.

There were no objections.

A motion was made by Ralph Ward, seconded by Charles Marcum, and unanimously carried to table the application until January 6, 1972, for presentation of a site plan.

Tabled from November 4, 1971:

10. Mrs. L. W. Estey, req. for variance in an R-1A zone to leave carport and fence erected in violation. Carport 2 ft. from west (front) p/l and 1 ft. from south (side) p/l; fence 6 ft. high in front (west) 25 ft. on property

May. 50-E.

Margaret E. Brixius, 2005 North Murdock Blvd., Orlando, Florida, appeared to explain this request for renewal by explaining that there has been no change since their last permit. There is a retired couple living in a house on the adjoining lot, Mr. and Mrs. Peter Dawn, 2013 North Murdock, Orlando, that she helps to take care of as needed. She has a bar and feels it would be helpful to live on the property to help prevent break-ins.

Mrs. Peter Dawn, 2013 North Murdock Blvd., Orlando, was present and informed the board that she was in favor of the request as they need the help of the applicant.

There was no further opposition.

Upon a motion duly made by Carroll Ward, seconded by Michael Brosche, which was unanimously carried, the foregoing application was approved for two years.

13. Lawrence L. Hiatt, request for a Special Exception in an A-2 Zone for a vehicular speed test strip (drag strip) on the following described property: $W\frac{1}{2}$ of $SW\frac{1}{4}$ of $SW\frac{1}{4}$ Sec. 26, T 22 S., R 32 E., AND $W\frac{1}{2}$ of $NW\frac{1}{4}$ Sec. 35, T 22 S., R 32 E., which is located 7/10 mi. W. & 2/10 mi. S. of Hwy. 171 & Bithlo Cut-off Inter-section.

Charles Davis, 170 East Washington Street, Orlando, appeared on behalf of the applicant. Mr. Davis advised the board that a group of people are willing to purchase the applicant's property near his dairy for a drag strip at a cost of \$150,000.00. This property is located where there are no neighbors in the vicinity. Mr. Davis pointed out that a drag strip promotes business and keeps people desiring to drag race off of the streets. It is used for a quarter of a mile race clocked for speed. This race is usually once per week between 7 and 10 at night and sometimes during an afternoon.

There has been one in Kissimmee and one in Seminole County with limited success as they did not have facilities needed for the success desired. A special type installation is necessary for this, which is included in the proposed plans. Miami has found that this type of operation prevents this type of activity on public thoroughfares.

Mr. J. O. Hargis, Jr., Real Estate Broker, 715 East Colonial Drive, Orlando, addressed the board and informed them that eight months ago they were contacted to locate property for this drag strip and they wanted to find property that would not be objectionable to the public. He showed an aerial photograph of the proposed drag strip. Upon checking on this request they found that the people involved in the proposed plans are experienced in their field and that there is a definite need for this operation in Orange County. The strip will be well designed with strict supervision.

Billy Herndon, 3722 Palmire Street, Tampa, Florida, appeared to state that if the request is granted he plans to move to Orlando. He stated that he owns the Tampa Drag Strip also. He showed the board an artist's conception of the proposed plans for their study. It will be called the Orlando Raceway Park and they will keep the park theme with Orlando's general landscaping. It will be 3/4 of a mile long. He feels that it will be good for Orlando as the people coming into the area for the races will be using the Hotels, restaurants, etc. This sport is now recognized to such an extent that automobile manufacturers are participating in the sport and is the second largest spectator sport.

He stated that there is a desire for a drag strip in Orlando. There are 13 drag strips in the State of Florida. They plan on putting in the necessary facilities to make it a first class operation. There will be no alcoholic beverages sold on the premises.

Mr. Herndon introduced a member of the National Association, Eddie Buster Couch, 2134 Rock Haven Circle, Decatur, Georgia, who informed the board that he is known as Division Director of the National Hot Rod Association of the Southeastern Division and they have 60,000 members in the U. S. There 179 tracks in the U. S. and Hawaii and England. They also have Hot Rod Clubs in connection with the organization to help keep children off of the streets. Various Civic organizations sponsor these clubs.

The drawing of the Miami tract, which they are going to build in June, was shown to the board for their information and Mr. Herndon, who will be the owner, stated they plan to build one with minor changes for Orlando. A grandstand will be built for 1000 and when the need arises they will add to the size of the grandstand.

There is an existing easement sixty feet wide on the property and will be used for the entrance to the property. Mr. Lawrence Hiatt, Box 161, Route 4, Orlando informed the board that the easement was used in the mortgage on the property in order that an entrance to the property would not be cut off. It is a matter of record. Mr. Herndon advised the board that it will be paved to the highway. He pointed out that it has been customary in the past to call the Highway Patrol a half hour before the racing is finished and they help direct the traffic.

Mr. Hargis submitted an Article, which was published in the Easter issue of the Magazine section of the local paper, stating that 150 people in this area are interested in the sport, although there is no drag strip in Orlando. There will be all the safety features used in the proposed drag strip with a Cyclone fence, which is a double protective fence with a safety device. This device will turn the cars around when out of control. This helps prevent accidents. The grandstand will be on the North side of the property a safe distance from the strip.

Another article published in the Corner Cupboard April 22, 1965, was

also submitted by Mr. Hargis about an Orlando dragster, who has been racing on the Tampa drag strip. The Article stated that dragsters in this area have had difficulty because there are no facilities in the immediate area for such racing.

There were no objectors.

After due deliberation, and

Upon a motion duly made by Carroll Ward, seconded by Michael Brosche, which was unanimously carried, the foregoing application was approved according to the plot plan submitted.

14. Michael Clark, request for a Special Exception in an A-2 Zone for television tower 1260 Ft. to 1500 Ft. maximum height (Channel 9) on the following described property: Lot 24, Seward Plantation Estates 4th Add., as recorded in Plat Book T, page 141, Public Records of Orange County, Florida; AND Beg. S $\frac{1}{2}$ cor of Sec. 32, T 22 S., R 32 E., th N. 2200 Ft., th W. 600 Ft., th S. 2200 Ft. to Sec. line, th E. 600 Ft. to P.O.B., which is located W. side Guy Rd., 3/4 mi. S. of Bearle Rd.

Lester Levine, 140 South Court Street, Orlando, was present to represent the applicant. Mr. Levine pointed out that the television tower would be for T.V. Tower, Inc., a separate corporation rather than Channel 9 and two local broadcasters are interested in the tower. Educational T.V. will use the tower also. A series of steps must be taken before the erection of the tower, the first being zoning. The FAA did give them the go ahead signal and they will go back to them, if it is approved for their requirements.

The property is 2 $\frac{1}{2}$ miles from Highway 50 and 3 miles west of the Bithio cutoff. There will be a transmitter building. There will be a 50 X 50 foot base structure for the tower.

Mike Clarke, Administrative Assistant for Mid-Florida Television Corporation, 639 West Central Blvd., Orlando, Florida, appeared to state that the FAA has assured them that the chances of getting 1200 feet are very excellent and they have a better than 50-50 chance of getting 1500 feet and for that reason they put it to the maximum footage. It will be a guide tower, which is a long narrow pole with guide wires from 3/4 of the way up connected to anchors in the ground.

Mr. Levine explained that it is a joint effort between two stations to improve their facilities. This will help the market value of the T.V. stations. The quality and range of the stations will be increased by the tower.

Board Member, Arne Steen, inquired, if the tower would obstruct air travel, and was informed it would be subject to FAA approval for this reason.

Speedway decision

Board found that the use of the land ~~has~~ gone beyond the ^{extent of} original approvals, had become a detriment to the health, safety & welfare, had an adverse impact on the general public interest, and therefore, modified the original approvals as follows:

1. No restrictions imposed on rodeo and circus use;
2. With regard to race track activity:
 - a. Resident ^{sound direction of} public address systems away from residential areas
 - b. Hours of track activity to be from 6 PM to 11 PM, Monday thru Friday, with engine noise to cease within 10 minutes after the 11 P.M. time limit ^{including P.A. system,}
 - c. Hours of track activity to be from 1 PM to 11 PM on Saturday & Sunday
 - d. Jet Car racing and special events are limited to afternoon hours

- e. Security and control shall be exercised over spectators to insure orderly conduct and to insure the area is vacated immediately after the 11 PM time limit.
- f. Orange County Pollution Control office to provide ~~as~~ periodic noise decibel monitoring during races to insure the sound is reduced to acceptable levels according to Orange County and/or EPA recommendations.
- ~~g. Track activity to comply with~~
- g. Compliance with track activity hours as listed in b. + c. above within two weeks from 9/1/81.
- h. Compliance with balance of approval modifications within 90 days of 9/1/81.
3. No rock concerts.
4. No overnight camping by race participants, including crews.
5. No repairing or preparing of race cars except during approved track activity hours specified in 2. b + c above.

DECISION ON APPEAL

BEFORE

THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA

September 1, 1981

The decision of the Board of Zoning Adjustment, Public Hearing #20 made on 11th day of April, 1978, on appeal of Garold E. Atwood, is hereby overruled, and the Applicant's request to modify the Special Exceptions granted to the Bithlo Speedway is hereby granted as follows:

1. No restrictions imposed on rodeo and circus use.
2. With regard to race track activity:
 - a) Reorient sound direction of public address systems away from residential areas.
 - b) Hours of track activity, including Public Address System, to be from 6 p.m. to 11 p.m., Monday thru Friday, with engine noise to cease within Ten Minutes after the 11 p.m. time limit.
 - c) Hours of track activity to be from 1 p.m. to 11 p.m. on Saturday and Sunday.
 - d) Jet car racing and special events are limited to afternoon hours.
 - e) Security and control shall be exercised over spectators to insure orderly conduct and to insure the area is vacated immediately after the 11 p.m. time limit.
 - f) Orange County Pollution Control Department to provide periodic noise decibel monitoring during races to insure the sound is reduced to acceptable levels according to Orange County and/or EPA recommendations.
 - g) Compliance with track activity hours as listed in b and c above within two (2) weeks from September 1, 1981.
 - h) Compliance with balance of approval modifications within ninety (90) days from September 1, 1981.
3. No rock concerts.
4. No overnight camping by race participants, including crews.

Continued
Page Two

5. No repairing or preparing of race cars except during approved track activity hours specified in 2 b and c aforementioned.

Alvin L. Arthur Jr.

THE FOREGOING DECISION HAS BEEN FILED WITH
ME THIS 2nd DAY OF SEPTEMBER, 1981

Mary Jo Garrison
Deputy Clerk, Board of County Commissioners
of Orange County, Florida

APPROVED BY THE BOARD OF COUNTY
COMMISSIONERS AT THEIR MEETING

SEP 01 1981

9/2/81
Zoning Dept
Legal Dept
Abutting Property owners

ZONING DEPARTMENT AGENDA

SEPTEMBER 1, 1981

The following item is a continued zoning appeal and will be heard by the Board of County Commissioners on Tuesday, September 1, 1981 beginning at 2:30 P.M.

CONTINUED FROM APRIL 11, 1978

2:30 P.M. ORANGE COUNTY BOARD OF ZONING ADJUSTMENT, request in A-2 zone to determine whether special exceptions originally approved as follows should be rescinded or modified:

1. Vehicular speed test strip (drag strip) (May 8, 1965)
2. Privately-owned recreational facilities such as 1/3 mile oval race track, rodeos, circuses, etc. (March 2, 1972) on property located West End and or East End of 800 ft. West of East Highway 50, 5/10 mile North of intersection of East Highway 50 and St. Rd. 420.

Tract Size: 100 ac.

Sec. 26-22-32
35-22-32

BOARD OF ZONING ADJUSTMENT PUBLIC HEARING #20, JANUARY 5, 1978 (Continued from April 11, 1978) Board Member's Decision:
A motion was made by James Panico, seconded by Bud Eide and unanimously carried to sustain the previous actions of the Board of Zoning Adjustment on May 8, 1965 and March 2, 1972 and denied the petition to rescind or modify said actions.

Garold E. Atwood, appealing

District #5

ZONING DEPARTMENT AGENDA
SEPTEMBER 1, 1981
PAGE 2

TABLED ITEMS

1. MICHAEL YEBBA, request for a Change of Zoning Classification from R-1A to P-0.
P & Z #18, April 16, 1981. Decision: Denied.

Board tabled item from June 10, 1981 for Planning Dept. to gather information regarding traffic, access and curve. Tabled until September 8, 1981 at 9 A.M.

District #2

2. ARTICLE XX. SITE AND BUILDING REQUIREMENTS. SECTION 1
Footnote

Board called own hearing on this matter and tabled until July 21, 1981. Re-tabled for 30 days for further study. Re-tabled until October 27, 1981, to be heard with Article XXV.
3. ARTICLE XXV. GENERAL PROVISIONS AND EXCEPTIONS. Section 13

Board called own hearing on this matter and tabled on June 30, 1981 for four months for further study.

Respectfully submitted,

Lou Masterson
Lou Masterson
Zoning Director

CHRONOLOGY OF SPEEDWORLD (BITHLO SPEEDWAY)

- May 18, 1965:** P.H. held by BZA to consider Special Exception request for dragstrip by Lawrence Hiatt, owner of property located near intersection S.R. 50 and S.R. 520. Request unanimously approved by Board.
- December 2, 1971:** Special Exception for dirt race track requested by Mr. Hiatt at same location. BZA tabled until Jan. 6, 1972 for presentation of site plan.
- January 6, 1972:** BZA approved dirt race track per site plan and in accordance with applicant's insurance co. requirements.
- March 2, 1972:** BZA approved Special Exception request for a 1/3-mile oval race track, rodeos, and circuses with conditions for Harry D. Bell, operator of Speed World.
- July 13, 1977:** Memo from Z.D. to County Attorney: Re - possibility of a BZA-administered public hearing on Speed World to consider modifications of previous approvals due to citizen petition addressed to BCC on noise and hours of operation.
- November 15, 1977** Memo from Z.D. to Comm. Chair: Re - info on and a request for BCC action on Speed World matter
-
- November 15, 1977:** BCC by unanimous motion requested BZA to set p.h. on Speed World property for public input on noise complaint and hours of operation.
- November 16, 1977:** Memo to Co. Administrator from Z.D.: Re - request scheduling p.h. before BZA on Speed World property.
- December 16, 1977:** Certified letters sent to owners of Oval Race Track and Vehicle Speed Test Strip owners, Billy and Sandra Herndon and Chester Hiatt: Re - notification of BCC-directed p.h.
- January 5, 1978:** BZA held p.h. to consider modifications or rescinding of previous approvals on Speed World property. Motion unanimously carried to continue hearing until Feb. 2, 1978.
- February 2, 1978:** BZA unanimously sustained previous BZA actions and denied petition to rescind or modify.
- February 8, 1978:** Letter received by Zoning Office from Garold E. Atwood appealing decision of BZA on Speed World property, 2/2/78.
- April 10, 1978:** Memo from Pollution Control Director to Z.D.: Re - sound level readings taken at Speed World site and an area property owners residence.
-
- April 11, 1978:** Appeal held by BCC. BCC continued for Co. Attorney's office to study and meet with track owners.

811HLO SPEEDWAY CHRONOLOGY
PAGE-(2)

April 17, 1978: Memo from Co. Administrator to Z.D.: Re - reference to attached list of interested parties at BCC 4/11 appeal who wished to be renotified of the continued appeal.

June 13, 1978: Note from Commissioner Thomas to Z.D.: Re - in reference to letters attached addressed to Pollution Control Dept. from area residents concerning the drag strip.

July 5, 1978: More letters received by BCC office on same.

August 10, 1978: Copy of Z.D. office file on Orlando Speed World sent to County Attorney's office.

April 4, 1979: Memo from Z.D. to Co. Attorney requesting status on matter.

April 10, 1979: BCC noted at p.h. elapsed time period on Speed World matter and requested staff look into it.

April 19, 1979: Memo from County Attorney to Z.D.: Re - Request info on any conditions of approval of Special Exceptions granted to Speed World property in conjunction with P.H.'s held in 1966 and 1972 (BZA).

May 7, 1979: Memo from Z.D. to county Attorney: Re - Outline of most recent events on the matter and a request for meeting to be held between Co. Attorney and track owners.

May 11, 1979: Memo from County Attorney to Z.D.: Re - Stated the County had no legal basis to impose new conditions seven years after the appeal time has passed on the original BZA approvals. Suggested County-wide noise Ordinance as a remedy.

Independent consultant and authority on this matter. Testing would probably continue through next week and the results of the tests would be presented to the Board as soon as possible.

Upon a motion by Commissioner Treadway, seconded by Commissioner Marston and carried, with all present Commissioners voting AYE, Commissioner Neidig was absent, the Board authorized waiver of the competitive bid process, approved negotiations on the various structural and metallurgical tests required for a complete structural analyses of the design of the building, further, if necessary authorized testing of all welded joint areas in the Civic Center structure; and further, approval of the hiring of Dr. John Fisher, Professional Civil Engineer, as a special consultant to the County on this problem.

Zoning

BZA
Bithlo
Speedway

Billy Herndon

Set P.H.

Upon a motion by Commissioner Treadway, seconded by Commissioner Carter and carried, with all present Commissioners voting AYE, Commissioner Neidig was absent, the Board authorized scheduling a public hearing on October 20, 1981, at 2:00 p.m. to consider Special Exceptions granted B. Herndon for Bithlo Speedway; further, the Board rescinded its motion of September 1, 1981, modifying the original conditions of approval for Bithlo Speedway.

Comptroller

Upon a motion by Commissioner Carter, seconded by Commissioner Treadway and carried, with all present Commissioners voting AYE, Commissioner Neidig was absent, the Board approved the Comptroller's Consent Agenda requests as follows:

Administrative/Fiscal

- (1) Request for Action #228 - Approved budgeted transfers to Transportation Trust Fund 102 as follows:

From: Federal Revenue Sharing	102-5-381103-000-0-7	\$733,813
To: Road & Bridge Operating Subs.	103-6-91010-910-0-1	733,813
	6-00647-910-0-4	

From: Gas Tax Revenue Bond Sinking Fund	102-5-381205-000-0-0	469,445
To: Transportation Trust Fund	205-6-91010-910-0-8	469,445
	6-00756-910-0-3	

- (2) Request for Action #229 - Approved payment of invoices totalling \$9,176.64 in connection with the issuance of \$5,455,000 Capital Improvement Revenue Bond Anticipation Notes.

Clerk to the Board of County Commissioners

- (1) Approved minutes of the following Board of County Commissioners meetings: August 20 and 25, 1981.

- (2) Approved application for two Duplicate Tax Certificates as follows:

John W. or Ruth Morrison	
#2274 Amount: \$6,215.62	Year: 1981
#1343 Amount: 364.50	Year: 1981

- (3) Approved the filing of Public Official Bonds for:

Mirian Reid	-	Members of the Board of Trustees, West
Jerry A. Kennedy	-	Orange Memorial Hospital Taxing District

- (4) Approved Cancellation of Tax Certificate #1689 in the names of Don D. Clayton or Karen L. Makin in the amount of \$2,001.69 for the year 1981.

Municipal Services/Special Taxing Districts

- (1) Approved signature by the Chairman for the following Street Lighting Contracts:

Location	Power Company	Resolution Date
Country Lakes	Florida Power Corp.	July 28, 1981
Foxborough	Florida Power Corp.	December 29, 1980
Lake Sherwood Hills, West Section	Florida Power Corp.	July 28, 1981
Sand Lake Hills, Section 7	Florida Power Corp.	July 28, 1981

- (2) Approved scheduling a public hearing for:

Ethan's Glenn Subdivision - Street Lighting and Maintenance of a Retention Pond involving 91 lots at an estimated annual freeholder's cost of \$38.86 for the lighting district, and an estimated annual freeholder's cost of \$33.34 for the retainage pond. (M.S.T.U.)

- (3) Approved scheduling a public hearing for:

Winderlake Two Subdivision - Street Lighting to be combined with the present district of Winderlake that was approved by the Board on June 24, 1980. The estimated annual freeholder's cost is \$38.07 per lot. This request is from the developer, but all property owners will be notified of the hearing.

Property Accounting

- (1) Request for Action #8081-007R - Approved adjustment of asset records in the amount of \$77,020.58 to delete non-recoverable improvements by Fire Control Districts to leased facilities from the control account.
- (2) Request for Action #8081-095T - Approved transfer of the following equipment carried on County records, totalling \$47,148.92, to the Orange County School Board as these items are either uneconomical to repair or too old to remain in use.

TYPEWRITERS

Item #	Amount	Year	Item #	Amount	Year	Item #	Amount	Year
150462	589.50	1961	641293	438.30	1970	880638	395.00	1972
180651	147.81	1970	641327	413.60	1970	881277	395.25	1972
180700	273.00	1971	641478	478.60	1971	881420	395.25	1972
240002	200.00	1959	760252	227.50	1962	885560	125.00	1965
360091	100.00	1959	880075	395.25	1972	887694	239.50	1975
360223	200.25	1960	880161	395.25	1972	896232	150.00	1977
450183	441.00	1967	880162	395.25	1972	630658	438.60	1972
880163	395.25	1972						

CALCULATORS & ADDERS

Item #	Amount	Year	Item #	Amount	Year	Item #	Amount	Year
000537	510.00	1962	001633	538.35	1972	790273	495.00	1971
000675	256.50	1963	150098	150.00	1959	880635	169.50	1972
000965	645.25	1966	180715	581.75	1972	885087	109.50	1973
001038	630.00	1966	450166	159.50	1969	889835	360.34	1976

DICTATING EQUIPMENT & RECORDERS

Item #	Amount	Year	Item #	Amount	Year	Item #	Amount	Year
410002	495.00	1971	790263	395.00	1971	881860	191.41	1972
410003	495.00	1971	880735	178.50	1972	883115	178.90	1973
760200	460.00	1964	880736	178.50	1972	883116	178.90	1973

COPIERS

Item #	Amount	Year	Item #	Amount	Year	Item #	Amount	Year
001435	159.50	1970	480116	1405.00	1972	680559	355.50	1960
680579	445.00	1963	888380	1127.50	1975			

RADIOS

Item #	Amount	Year	Item #	Amount	Year	Item #	Amount	Year
760207	250.00	1965	790031	605.00	1962	810108	227.00	1960
760208	250.00	1965	790068	575.00	1963	888333	743.50	1975
780050	638.18	1960						

Gomez, Gabriel

From: Wil Bowles Schools of Real Estate <reschool@hotmail.com>
Sent: Friday, May 31, 2019 8:16 PM
To: District5, Mail
Subject: Orlando Speedworld dragway

Categories: Constituent

I am sending this as a complaint . When I moved to my home I was made aware of the drag racing that took place on Wednesday and Friday and 1 or 2 special events per year. I can not complain about that. But the owner retired and it was going to close and a lot of people were happy about that prospect. Then it was sold to a new operator and the racetrack went from 2 days a week to most weeks 7 days with special events at least 1 a month . As I am writing this there is a large event with a little racing and a lot of live music that doesn't stop until 2 to 3 am. If you are not aware the track was given a special exception from noise when first opened. I have been very disappointed that the sale of this facility did not have a public review as to the noise exemption. I ask that it now be reviewed and at the very least to ban live music. The area of Bithlo will never attain the economic improvements it needs as long as this track is allowed to disturb the quality of life in east Orange County. Closing I am not expecting anything will come of this email as I am sure they are very good at campaign contributions. James M Bowles 19124 Nash st Orlando 32833.

Mayor Jerry Demings
201 S. Rosalind Ave
Orlando, FL 32801

Oct 20, 2021

Dear Mayor,

I have lived in the Bithlo area near the Orlando Speed World for over 20 years and I am writing concerning the Public Hearing coming up about it later this month. October 26, I believe. I had recent back surgery and most recently a heart procedure and am at home for right now. I may not be able to make the hearing so that's why the letter.

Me and everybody I talk to about this situation with the track is just sick over the way it is being run. Now the noise is simply unbearable with them running the track again and again. Sometimes on weekdays beginning early in the day and well into the night. Being operated as late as 3:00 am is a terrible deal but that isn't the entire issue at all. We can't count on having an uninterrupted dinner, or TV program or normal conversation with friends or family indoors and any outdoor conversations or activities are liable to be seriously impacted. The cars are so loud there is nowhere in our house to escape to normal ambient sound levels. I can imagine those neighbors right next to the track must absolutely go bonkers when they run. Not only are there cars going down the track, but there is constant loud race car traffic moving around inside constantly getting up to the area where they get in line to make a run. When we have complained to the Sheriff's Office people have simply been told "they are exempt from Orange County noise regulations". And, we didn't find out until the recent BZA hearing that is NOT true. There was an exemption granted around 1995 but only in certain situations. I've checked into a lot of things to do with the track and it has become pretty clear the track, in the last several years has been violating the noise ordinance as it applies to them on a constant basis. The previous operator handled things in a way that was no problem. We occasionally heard the races but were not disturbed by them like we have been about the last 8 years or so. This is hell out here now with the noise.

When we moved here, we knew the racetrack was here and could at least expect to hear them from our place. They had a sign on the front gate indicating they ran on Friday and Saturday nights and occasionally some special events. And THAT is the way it was. No problems as far as we were concerned and several of the neighbors have said the same thing. What the hell happened to cause the overwhelming problems we have now? Quite simply, it seems to just be when a new track operator took it over. When calls to the track about the noise were made, we got a few choice dirty words by a rude phone person and the old "we have an exemption from the noise rules". Again, that is not all there is to the story. The exemption doesn't cover any events unless it is a spectator

1

type event where taxable spectator tickets are sold. On the days they are having these private testing sessions that can run from very early to very late the spectator gate isn't even manned at all. I found out the insurance companies specifically do not allow spectators at these private test days. One day when one race team was practicing, they had a uniformed guard that wouldn't even let people not associated with the race team on the property. Hence, one would think, the Orange County Noise Control Regulations should absolutely apply and be enforced on a complaint. This is a potential loophole that needs to be plugged.

ADDITIONAL RACING TRACKS.

The building permits being requested by the track are concerning several things that have been completed or are at a stand still because they got caught doing things without permits. Lots of them. Not the least of these things are the adding of more racetracks. A large area on the south part of the property was built and is used as a figure 8 track for "drifting" events. The track is requesting permitting for this and call it a truck or bus parking lot. Or, "just" a practice area for those that don't want to take a chance on hitting a solid wall on the big track. A small grandstand has been brought over to the area. Odd, not many people want to sit there and watch trucks or buses park. And while those using it as a practice track don't want to take a chance on hitting a wall, they have no problem with the possibility of hitting a grandstand with people in it? This is simply another new racetrack and noise source especially annoying due to the sound of screaming engines AND loud squealing from tires to raise the irritation level.

An area in the slow down part of the drag strip has been fashioned to an additional racing area for what is called "No Prep Drags". Not mentioned by the applicant at all. But the black tire marks clearly visible at the area indicates what it has been used for. Yet another new noise source.

OTHER things called one thing but used for something else. What is purported to be a storage building for track vehicles and equipment was supposedly built with no permit because the property is zoned Agriculture, and the applicant didn't know one was needed. However, a former employee stated the building was used by himself and the applicant to store "personal stuff" of theirs and yet another was operating a wholesale car business out of it. Track vehicles and equipment is generally stored in another area and outside. Additionally, the applicant wanted to skip the permitting process to lessen the chances of neighbor notification and avoid the possibility of zoning, noise and use issues being raised.

Several thousand square ft. of concrete has been added on the west side of the drag strip pit area. This was reported by the applicant done to replace existing concrete that was crumbling and in poor condition. There was a small amount

of existing concrete in place. Much more concrete was added. Word has it this was done as some out of area racers would not come back unless it was done. A welcome improvement by those using the facility. But, it appears, there are no building permits or required approvals from any water management district concerning run off from this area. From neighbor accounts this work was done late evenings and weekends to keep it under wraps.

A permit to complete a larger restroom is requested by the applicant. The new bathroom, while not complete, is larger and built over the area that was used as the old drain field. A new drain field is now constructed south of the old restroom building, appears to be way too close to a well that is a source for drinking water and utilized to get the old bathroom back in service.

The original Special Exception to allow the racetrack included a single restriction and that was the racetrack be built to the site plan presented to Orange County at that time, 1965. This restriction has clearly been violated and that alone gives Orange County the right to protect its citizens from being the victims of a runaway noise polluter. In 1965 the original applicant for the Special Exception stated the facility would only operate one or two days a week. For almost 50 years that is the way it was, but since 2013 with the current operator the facility has simply turned into a GIANT nuisance to the people living in the area and operates at a level FAR ABOVE what was intended. I suppose the Special Exception could be revoked. Hours and days of operation can be established. The partial exemption to Orange County's Noise Control Regulations could be removed. We are not asking that the facility be shut down completely. Well, one neighbor has voiced that opinion. But overall, we are simply looking for the protection Orange County can provide us to in fact BE provided according to the remedies available.

Who benefits with this noise problem being resolved? Working people, school children, babies, a stay-at-home parent, those being educated at home with schooling through computers, pets, the patrons and workers at the new clinic soon to open just north of the racetrack, and others.

Of some interest to me is the makeup of those considered "in favor" or "opposed" at the BZA meeting about this issue. All were described as neighbors. The larger percentage, those opposed unless the noise issue is addressed were in fact "neighbors". Those "in favor" seemed to be explaining how they thought the facility was needed to keep operating. One of them told me Mr. Moya had contacted him for support at the BZA meeting because the neighbors were trying to get the place "shut down" and he didn't live anywhere near the track. If the addresses of the 'in favor' group are checked, you will more than likely find none of them were "neighbors" of the track. Pretty easy to be in favor when you don't live anywhere near the noise.

Would a racetrack operating at the level Speed World does, or at any level, be permitted sharing a property line with residents of Lake Nona, Celebration, Windemere, Winter Park, Dr. Phillips, etc? Would you be "in favor" of one next to your property line?

We have been bullied by this racetrack operation for some time now and are at our wits end. Now that we know Speed World has violated the restriction placed on the original Special Exception, Orange County has the means it needs to at least get this noise issue under control. We urgently need your help. I'm suggesting unless you experience the overwhelming loud noise coming from that racetrack, you have NO IDEA the terrific negative impact it has on our lives.

Sincerely,

Tim Ray
18822 Frost Drive
Orlando, FL 32820

407-309-0610

Gomez, Gabriel

From: Juanita Martinez <juanita.martinez00@gmail.com>
Sent: Thursday, October 21, 2021 1:15 PM
To: Mercado, Arnaldo
Cc: Mayor; District1, Mail; District2, Mail; District3, Mail; District4, Mail; District5, Mail; District6, Mail; Roby, Elizabeth J; Jones, David - Envir. Protection; Parker, Renee; Marshall, Megan; Kozak, Ted
Subject: Re: SPEEDWORLD - OCT 26th APPEAL

Good morning, Mr. Mercado and Commissioner and Mayor!

Mr. Mercado - Thank you for the background information - I could not find information on the conditions being rescinded but will look into the minutes.

I understand that a noise exemption was made however reasonable operation hours can be applied to any approval for Speed World and can be enforced as confirmed by the County Attorney that was present at the BZA meeting where conditions including reasonable operating hours were applied to the approval and that is now being appealed by Speedworld. (Run-On Sentence, my apologies).

The applicant and their attorney are leaning on the fact that the residents of the community purchased homes, lots, etc in a community where there was an existing track which is undeniable and true however the sentiment shared by every single person at the community meeting is this: **Speed World did not previously run at unreasonable hours until ownership changed.** So yes, we all did choose to live within a community where a track was adjacent but the previous owner was respectful of the community so these issues may have come up occasionally but it was not an issue like it is now. Regardless, this should not be a valid point - Orange County zoned these areas as residential and has had no issue collecting taxes, impact fees, etc. We are still a community deserving of a healthy environment for our families. Many things have changed since 1981 and 1995 - now that we know better, we should do better and we are asking the county for their help.

Not only that, but the applicants are asking to keep a paved practice track that was installed without approval and that they claim is only used for **7 seconds at a time** and is going to be used mostly for parking. The applicant and their attorney continually patronize our community by outwardly lying with a smile on their faces. This "new" practice track creates plumes of burning rubber smoke that drift into and hang over our community. If someone did a burn-out in the county building parking lot, you would be able to smell it well after the car is long gone - imagine what the smell is like when cars are drifting ALL DAY long and that burning rubber smoke lingers! If this practice track (or "parking lot" wink wink) is approved - it should not be approved without barriers for the smoke! Also, the attorney repeated no less than 5 times that this practice track is only used for 7 seconds at a time. Take a look at these links below, does this look like 7 seconds to you!?

<https://youtu.be/EzOLBrg2AIY>
<https://youtu.be/NINy4WbN1Oo>
<https://youtu.be/TwU71q9MebA>
<https://youtu.be/ByXXNxyKUNM>

Am I supposed to believe that these savvy business owners had no idea they needed approval for an additional track or other changes? Everyone knows you can't even change a front door without approval from Orange County. Speed World is well aware that the adjacent community is upset at their unreasonable schedule and ridiculous hours. They KNEW that any changes would require public meetings and knew that residents were upset and liable to show up and air their complaints. Reasonable operating hours and smell/noise barriers are just a cost of doing business! Not one resident

asked for the track to be shut down or made any unreasonable requests. The request was the same from every person: please set reasonable operating hours and install barriers. If any commissioner or mayor were to drive down Wellon Ave, which directly abuts Speed World - you can see the track from the homes - there is not even thick landscaping between the homes and the tracks.

I know this is lengthy but I will only have a very small, limited time to speak at the meeting. I appreciate your time and consideration. **All I ask is that you put yourself in our positions - would you want your county leaders to fight for you? My neighbors and I cannot just up and move to Baldwin Park or Stoneybrook or the Springs or any of these other communities - our small community needs your help to make our community better!**

Sincerely,
Juanita Martinez

On Thu, Oct 21, 2021 at 10:22 AM <Arnaldo.Mercado@ocfl.net> wrote:

Good morning Ms. Martínez,

This facility, the Orlando Speed World Dragway, formerly known as the Bithlo Speedworld, Orlando Speedword and Orlando Speedway, is in operation since the 1960s. I believe that you are referencing the September 1st, 1981 Board approval that incorporated some conditions. From the historical records, the September 1st, 1981 Board decision that incorporated additional conditions to the initial approval was rescinded by the Board, 2 days later, on September 3rd, 1981.

Regarding the noise regulations, the Orange County Noise Ordinance contains a specific exemption related to the type of activities that the Orlando Speed World Dragway perform on site and is as follow: (from Chapter 15, Article V of the Orange County Code)

"Sec. 15-185. - Exemptions.

...

(18)

Any motor vehicle engaged in a professional or amateur sanctioned, competitive sports event for which admission or entry fee is charged, or practice or time trials for such event, at a facility being used for such purposes as of October 15, 1995;"

Breach of the peace may not be applicable in this situation as the County ordinance exempts that noise source from the noise regulation.

Additional activities like concerts and/or music systems playing are not part of this exemption and in order for them to perform a concert (outdoor event), they will require to obtain a permit from the Fire & Rescue Division. That permit will exempt them from the Noise Ordinance as follow: (from Chapter 15, Article V of the Orange County Code)

"Sec. 15-185. - Exemptions.

...

(19)

Outdoor events for which the organizer has been issued a special outdoor event permit by Orange County, provided it is conducted in accordance with such permit."

I hope this helps clarify that EPD would not be able to enforce the Noise Ordinance since the racing activities are specifically exempt for facilities operating as of October 1995.

Please let me know if I can be of further assistance.

Sincerely,

Arnaldo Mercado

Environmental Programs Administrator

Environmental Protection Division

Compliance and Waste Management Section

3165 McCrory Place, Suite 200, Orlando, Florida 32803

Work: 407-836-1410

Fax: 407-836-1499

Cell: 321-689-8240

e-mail: Arnaldo.Mercado@ocfl.net

web: www.ocepd.org

Serving our community by conserving, protecting, and enhancing



From: Juanita Martinez <juanita.martinez00@gmail.com>

Sent: Tuesday, October 19, 2021 2:28 PM

To: Mayor <Mayor@ocfl.net>; District1, Mail <District1@ocfl.net>; District2, Mail <District2@ocfl.net>; District3, Mail <District3@ocfl.net>; District4, Mail <District4@ocfl.net>; District5, Mail <District5@ocfl.net>; District6, Mail <District6@ocfl.net>

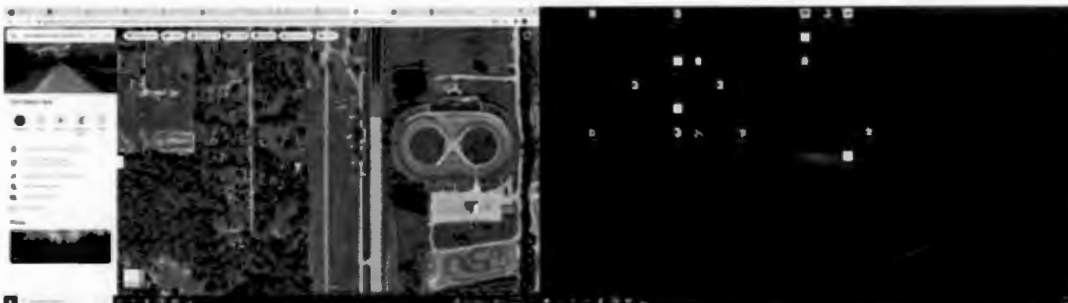
Subject: SPEEDWORLD - OCT 26th APPEAL

Mayor and Commissioners,

In 1981 the Board of County Commissioners set the parameters outlined in the attached email for operations of Speed World.

Line C states "Hours of track activity to be from 1pm to 11pm on Saturday and Sunday."

Speed World and the County maintain that there is an exemption of the noise ordinance for Speed World. Attached is a video of my nephew and I playing on his pirate swing set at 950 on a Saturday morning - you can hear the car engines already bright and early. This is considering that the cars had already been running well before I went to get my phone to record.



How is this not considered a breach of peace?

Please limit hours of operation for Speedworld!!!! The BZA agreed to more reasonable hours and Speed World is appealing this on October 26th.

I will be at the meeting on October 26th. We live in a humble, hard working community and many of our neighbors cannot make it but I will be there to share their concerns.

Thank you for your time,

Juanita Martinez

PLEASE NOTE: Florida has a very broad public records law (F. S. 119). All e-mails to and from County Officials are kept as a public record. Your e-mail communications, including your e-mail address may be disclosed to the public and media at any time.

10:34

5G



Sarah's Post



Write a reply...



Sarah Dietrich

and most people don't know that there is things that can be done or how to do them that's y I am asking every one ..because I feel like there is a time it's ok but there is a time that they should turn it off and respect the people n this town and not act like they can do as they please

17h Like Reply

1



Sarah Dietrich

well me and the cows and horse and ranch has been here 3 generations I think I will stay and I will be making changes ..if u believe in something u was raised to stand my ground and I believe in respect and even respect others appion and I thank every one for theres but i do think it's time that speed word to build something to lessen the noise by a normal time like any other business or home in this town

17h Like Reply

3



Kelly L Keenan



Write a comment...



News Feed



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Marketplace



Pages



Notifications



Menu

10:36 ↵

5G E 



Sarah's Post



Write a reply...



Samuel Soto

I support you 100%, I've been in Bithlo for 40 years. I consider myself a Bithlonian. I can understand your frustration, if you turn up your radio the cops will be in your house and no time and tell you to shut it off. But they can get away with it because they're a company corporation or I don't know what you want to call it they probably have more leverage than we do as citizens. I can honestly tell you that I tuned it off in my head I don't even hear the cars anymore. People ask me how can you live here with that noise and I'm like what noise? The music can get out of hand sometimes sometimes I hear it in my house but I'll just turn up the TV. I totally agree with you it's a pain the ass som... See More

10:34

5G



Sarah's Post



Bithlo Pride!

Group post by Sarah Dietrich · 17h ·

any one eles over the music and all the noise coming from speed world ..I have lived here my hole life and its getting worse and worse..they need to build something to stop the sound from all of bithlo having to hear it ...its not like they dont make enough money to build sound proofing..hell they could use all there old tires for all I care but something needs to be done I live like 3 miles away and some night its louder then my tv n my house

Like

Comment

Send

22

Top Comments ▾



Eddie Hitchcock

They need to build one of those big sound walls like on the interstate highways

16h Like Reply

7



Sarah Dietrich

I wanted to thank everyone for there appion ..u all have made good points I am so alad everyone feels so strona



Write a comment...



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Notifications



Menu

Comparison of Standard Operating Procedures with other Raceways in Central FL

(Respective County Ordinances attached)

Gainesville Raceway – Alachua County

- Who manages your racetrack? Can you provide full name, number, and email?

Mike Yurick 909-717-2410 The Track is owned by the National Hot Rod Association (NHRA)

- How long has your racetrack been open/fully operational?

The track has been operational since 1969

- What are your hours of operation Mon-Sun?

Our use permit states " Except for motor sports events sponsored by NHRA, all other tourist/entertainment activities allowed by this permit shall not operate between the hours of 11PM and 7AM". As a rule we never start before 8AM (9AM on Sunday) and generally are done by midnight.

- Are there forms of delay that keep racers out past closing time?

Yes weather, excessive track clean-up from parts breakage large car counts, it does happen. Additionally when we are running an elimination style event we try to run till we have a winner IE: if you have 70 cars first round that means 7 rounds (70 – 35 – 18 – 9 – 5 – 3 – and finally 2 left for winner & runner-up) cars need time to cool down and make adjustments between rounds so if you have weather or other issues it can make for a long day.

- Is your racetrack near a residential area? If so, what steps have been taken to ensure harmony between racers and the surrounding neighborhood?

We own 600+ acres that the facility sits on. We are mainly surrounded by a UF Cattle breeding facility to the south and to the west, east and north by long leaf pine tree growing and harvesting operations which is around 30,000 acres. There are a few homes about a mile or so away but we don't get complaints from them.

- Are there any complaints or issues that your racetrack has encountered that you would be willing to share?

I have been here almost 10 years and have had 3 people call and ask about noise.

Citrus County Speedway and Track LLC

- Who manages your racetrack? Can you provide full name, number, and email?

Cameron Ray, 352-341-5764

- How long has your racetrack been open/fully operational?

The track has been operational for 65 years.

- What are your hours of operation Mon-Sun?

We are exempt from the noise ordinance but it does not apply between the hours of 11pm-7am. We do not run before 12pm usually.

- Are there forms of delay that keep racers out past closing time?

Weather, excessive track clean-up.

- Is your racetrack near a residential area? If so, what steps have been taken to ensure harmony between racers and the surrounding neighborhood?

We are 1 mile away from the nearest residential neighborhood. There is an airport in between us. We have landscaping and trees as buffers around our property.

- Are there any complaints or issues that your racetrack has encountered that you would be willing to share?

None

The Original Speedway – Lake County

- Who manages your racetrack? Can you provide full name, number, and email?
Denise Rufer, declined contact info. Racetrack number: 352-874-2245
- How long has your racetrack been open/fully operational?
The Speedway has been operational since 1968.
- What are your hours of operation Mon-Sun?
The Original Speedway has scheduled races two times a month on the 1st and 3rd Saturdays.
Doors open 10am, practice starts 12pm, races start 3pm, usually done by 8:30-9pm. Latest we will stay out is 10-11pm. Hard stop at 11pm because of County Noise ordinance.
- Are there forms of delay that keep racers out past closing time?
Yes, rain delays and accidents but because we begin our races at 3pm we do not have to stay out past 11pm.
- Is your racetrack near a residential area? If so, what steps have been taken to ensure harmony between racers and the surrounding neighborhood?
Our racetrack is immediately next to a residential neighborhood called the villages. We have landscaping buffers (trees) around our entire property except the front.
- Are there any complaints or issues that your racetrack has encountered that you would be willing to share?
None because neighbors know we only operate twice a month.

Summary:

- All raceways contacted by the District 5 office have longstanding and agreeable relationships with their respective Counties.
- Only Gainesville Speedway is allowed to operate past the permit hours of 11pm (special use permit) but they are generally done by midnight.
- Both Citrus County and Lake County Speedways do not run races past 11pm.
- Citrus County Speedway does not start races before 12pm. They are one mile away from the nearest residents. Tree buffers and an airport separate the track from the residential neighborhood.
- All raceways contacted did not report major or excessive complaints about noise.







Chapter 15 - NOISE

Footnotes:

--- (1) ---

Editor's note— Section 2 of Ord. No. 3868, adopted June 22, 1993, repealed former Ch. 15, §§ 15-1—15-9, which pertained to similar subject matter. Section 1 of the ordinance enacted a new Ch. 15, §§ 15-1—15-6, as herein set out. Former Ch. 15 was derived from §§ 17A-1—17A-9 of the 1960 Code and Ord. No. 3803, §§ 1, 2, adopted Dec. 21, 1992.

Cross reference— Health and sanitation, Ch. 11.5; nuisances, Ch. 16; offenses, Ch. 17.

State Law reference— Environmental control, F.S. Ch. 403.

Sec. 15-1. - Legislative findings; declaration of necessity.

It is found and declared that:

- (1) Excessive sound within the limits of the city is a condition which has existed for some time and the amount and intensity of such sound is increasing.
- (2) Such excessive sound is a detriment to the public health, safety, welfare and quality of life of the residents of the city.
- (3) The necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, safety, welfare and quality of life of the city and its inhabitants.

(Ord. No. 3868, § 1, 6-22-93)

Sec. 15-2. - Definitions.

For the purpose of this chapter, certain words and phrases used herein are defined as follows:

A-weighted sound level means the sound pressure level in decibels as measured with a sound level meter using the A-weighting network. The unit of measurement is the dB(A).

Commercial (land use) means all areas not otherwise classified as residential, as defined in this section.

Construction means any site preparation, any assembly, erection, substantial repair, alteration or similar action, excluding demolition, for or on public or private rights-of-way, structures, utilities or similar property.

Continuous airborne sound means sound that is measured by the slow-response setting of a meter manufactured to the specifications of ANSI § 1.4-1971 "Specification for Sound Level Meters," or its successor.

Daytime means 8:00 a.m. to 10:00 p.m. the same day.

Decibel (dB) means a unit for measuring the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).

Demolition means any dismantling, intentional destruction or removal of structures from the utilities, public or private right-of-way surfaces, or similar property.

Emergency means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which necessitates immediate action. Economic loss shall not be the sole determining factor in the determination of an emergency. It shall be the burden of an alleged violator to prove an "emergency."

Emergency work means any work made necessary to restore property to a safe condition following an emergency, or to protect property threatened by an imminent emergency, to the extent such work is necessary to protect persons or property from exposure to imminent danger or damage.

Frequency means the number of complete oscillation cycles per unit of time.

Impulsive sound means sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions and drop forge impacts.

Nighttime means 10:00 p.m. to 8:00 a.m. the following day.

Noise means any sound which disturbs humans or other animals, or which causes or tends to cause an adverse psychological or physiological effect on humans or other animals.

Noise disturbance means any sound which:

- (1) Disturbs a reasonable person of normal sensitivities;
- (2) Exceeds the sound level limits set forth in this chapter; or
- (3) Is plainly audible as defined in this section.

Person means any person, person's firm, association, copartnership, joint venture, corporation, or any entity public or private in nature.

Plainly audible means any sound or noise produced by any source, or reproduced by a radio, tape player, television, CD player, electronic audio equipment, musical instrument, sound amplifier or other mechanical or electronic soundmaking device, or nonamplified human voice that can be clearly heard by a person using his/her normal hearing faculties, at a distance of 200 feet or more from the real property line of the source of the sound or noise.

Public right-of-way means any street, avenue, boulevard, sidewalk, bike path or alley, or similar place normally accessible to the public which is owned or controlled by a governmental entity.

Public space means any lot, as that term is defined in section 30-23 of the land development code, which contains at least one building that is open to the general public during its hours of operation.

Reasonable time when the limits of Table I and Table I-A in section 15-3(b) are exceeded or for a radio, tape player or other mechanical soundmaking device or instrument within a motor vehicle is instantly. Otherwise, absent special circumstances, "reasonable time" is 15 minutes in the case of nonvehicular sound emitters and two calendar days for vehicular sound emitters.

Residential (land use) means all areas designated as "residential districts" in section 30-41(a)(1) of the land development code; as well as hospitals, as classified in the Standard Industrial Classification Manual, 1987, group number 806; public and private elementary schools, middle schools, high schools, vocational schools, colleges and

universities; areas designated as "conservation districts" in section 30-41(a)(6) of the land development code; areas designated as planned development districts that contain dwelling units as defined in section 30-23 of the land development code; and places of religious assembly as defined in section 30-23 of the land development code.

Sound means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

Sound level means the weighted sound pressure level as measured in dB(A) by a sound level meter and as specified in American National Standards Institute (ANSI) specifications for sound-level meters (ANSI S1.4-1971 (R1976)). If the frequency weighting employed is not indicated, the A-weighting shall apply.

Sound level meter means an instrument, including a microphone, an amplifier, an output meter, and frequency weighting networks, for the measurement of sound levels.

Weekday means any day Monday through Friday that is not a "paid holiday" as defined in F.S. § 110.117(1).

All technical definitions not defined above shall be in accordance with applicable publications and standards of the American National Standards Institute (ANSI).

(Ord. No. 3868, § 1, 6-22-93; Ord. No. 960008, § 1, 12-8-97; Ord. No. 981314, § 1, 4-10-00; Ord. No. 110199, § 2, 9-15-11)

Cross reference— Definitions and rules of construction generally, § 1-2.

Sec. 15-3. - Prohibited acts.

- (a) *General prohibition.* It shall be unlawful and a violation of this chapter to make, cause or allow the making of any sound that causes a noise disturbance, as defined in section 15-2.
- (b) *Sound causing permanent hearing loss.*
 - (1) *Sound level limits.* Table I and Table I-A specify sound level limits which, if exceeded, will have a high probability of producing permanent hearing loss in anyone in the area where the sound levels are being exceeded. No sound shall be permitted within the city which exceeds the parameters set forth in Table I and Table I-A.

TABLE I. MAXIMUM CONTINUOUS SOUND LEVELS*

Duration per Day, Continuous Hours	Sound level (dB(A))
8	90
6	92
4	95
3	97
2	100
1½	102
1	105
½	110
¼	115

*When the daily sound exposure is composed of two or more periods of sound exposure at different levels, the combined effect of all such periods shall constitute a violation of this section if the sum of the percent of allowed period of sound exposure at each level exceeds 100 percent.

TABLE I-A. MAXIMUM IMPULSIVE SOUND LEVELS

Number of Repetitions per 24-Hour Period	Sound Level (dB(A))
1	145
10	135
100	125

- (2) *Exemptions.* No violation shall exist if the only persons exposed to sound levels in excess of those listed in Table I and Table I-A are exposed as a result of:
- Trespass;
 - Invitation upon private property by the person causing or permitting the sound; or
 - Employment by the person or a contractor of the person causing or permitting the sound.
- (c) *Continuous airborne sound decibel limits.* No person shall create, operate or cause to be operated on private property any source of sound in such a manner as to create a continuous airborne sound which exceeds the limits set forth for the source land use category as defined in section 15-2 in Table II when measured at a distance of 200 feet or more from the real property line of the source of the sound. Any source of sound in violation of this subsection shall be deemed prima facie to be a noise disturbance.

TABLE II. MAXIMUM SOUND LEVELS (IN dB(A)) FOR SOURCE LAND USES*

Residential		Commercial	
Daytime	Nighttime	Daytime	Nighttime
61	55	66	60

*See section 15-2, Definitions, for daytime and nighttime hours, and for land use definitions.

- (d) *Specific prohibitions.* In addition to the general prohibitions set out in subsection (a), and unless otherwise exempted by this chapter, the following specific acts, or the causing or permitting thereof, are hereby regulated as follows:
- (1) *Motor vehicles.* No person shall operate or cause to be operated a public or private motor vehicle, or combination of vehicles towed by a motor vehicle, that creates a sound exceeding the sound level limits in Table II when the vehicle(s) are not traveling on public streets, highways, driveways, parking lots and ways open to vehicle travel.
 - (2) *Radios, televisions, electronic audio equipment, musical instruments or similar devices.* No person shall operate, play or permit the operation or playing of any radio, tape player, television, electronic audio equipment, musical instrument, sound amplifier or other mechanical or electronic soundmaking device that produces, reproduces or amplifies sound in such a manner as to create a noise disturbance across a real property boundary. However, this subsection shall not apply to any use or activity exempted in subsection (e) below and any use or activity for which a special permit has been issued pursuant to section 15-4.

- (3) *Loudspeakers and public address systems.* No person shall operate, or permit the operation of, any loudspeaker or public address system or similar device, for any purpose, during nighttime hours in such a manner as to create a noise disturbance.
- (4) *Animals.* No person shall own, possess or harbor an animal or bird that howls, barks, meows, squawks or makes other sounds that:
 - a. Create a noise disturbance across a residential real property boundary;
 - b. Are of frequent or continued duration for ten or more consecutive minutes; or
 - c. Are intermittent for a period of 30 or more minutes.
- (5) *Construction and demolition.* No person shall operate or cause the operation of any tools or equipment used in construction, drilling, repair, alteration or demolition work between the hours of 9:00 p.m. and 6:00 a.m. the following day such that the sound therefrom creates a noise disturbance across a real property boundary, except for emergency work by public service utilities or for other work approved by the city manager or designee. This section shall not apply to the use of domestic power tools as provided below.
- (6) *Emergency signaling devices.*
 - a. No person shall intentionally sound or permit the sounding outdoors of any fire, burglar or civil defense alarm, siren or whistle, or similar stationary emergency signaling device, except for emergency purposes or for testing as follows:
 - 1. Testing of a stationary emergency signaling device shall not occur between 7:00 p.m. and 7:00 a.m. the following day.
 - 2. Testing of a stationary emergency signaling device shall use only the minimum cycle test time, in no case to exceed 60 seconds.
 - 3. Testing of a complete emergency signaling system, including the functioning of the signaling device and the personnel response to the signaling device, shall not occur more than once in each calendar month. Such testing shall only occur on weekdays and not during nighttime hours, and shall be exempt from the time limit specified in paragraph 2. above.
 - b. No person shall permit the sounding of any exterior burglar or fire alarm unless such alarm is automatically terminated within 15 minutes of activation.
- (7) *Domestic power tools.* No person shall operate or permit the operation of any mechanically, electrically or gasoline motor-driven tool during nighttime hours so as to cause a noise disturbance.
- (8) *Pumps, air conditioners, air-handling equipment and other continuously operating equipment.* No person shall operate or permit the operation of any pump, air conditioning, air-handling or other continuously operating motorized equipment in such a manner so as to cause a noise disturbance.
- (e) *Exemptions.* The following uses and activities shall be exempt from the sound level regulations except the levels provided in Table I and Table I-A:
 - (1) Nonamplified human voice, except yelling, shouting, whistling, hooting, or generally creating a racket such that it creates a noise disturbance during the nighttime hours in a residential area in other than time of emergency.
 - (2) Sounds resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency.

- (3) Sounds resulting from emergency work as defined in section 15-2.
- (4) Any aircraft operated in conformity with, or pursuant to, federal law, federal air regulations and air traffic control instruction used pursuant to and within the duly adopted federal air regulations; and any aircraft operating under technical difficulties in any kind of distress, under emergency orders of air traffic control, or being operated pursuant to and subsequent to the declaration of an emergency under federal air regulations.
- (5) All sounds coming from the normal operations of interstate motor and rail carriers, to the extent that local regulation of sound levels of such vehicles has been preempted by the Noise Control Act of 1972 (42 U.S.C. § 4901 et seq.) or other applicable federal laws or regulations.
- (6) Sounds from the operation of motor vehicles, to the extent they are regulated by F.S. § 316.293.
- (7) Any nonamplified noise generated by public speaking activities conducted on any public property or public right-of-way pursuant to legal authority.
- (8) Sounds produced at organized sporting events, by fireworks and by permitted parades on public property or public right-of-way.

(Ord. No. 3868, § 1, 6-22-93; Ord. No. 960008, § 1, 12-8-97; Ord. No. 981314, § 1, 4-10-00; Ord. No. 110672, §§ 1, 2, 7-19-12)

Sec. 15-4. - Special permits.

(a) *Permit process.*

- (1) Applications for a special permit for relief from the maximum sound level limits designated in this chapter, except from Table I and Table I-A, for the events or activities described below, may be made in writing to the city manager or designee. Except as provided in Table I and Table I-A, a special permit is not required under this section if sound levels, including amplified sound, will not exceed the maximum sound level limits designated in this chapter.
- (2) The permit application shall include the name, address and telephone number of the permit applicant; the date, hours and location for which the permit is requested; and the nature of the event or activity. The application must be submitted at least ten days in advance of the event, not including holidays and weekends.
- (3) Upon receipt of the permit application, the city manager or designee will review the application and issue a decision promptly, but in no event less than three days prior to the date of the event. If no decision is issued by the time specified, the permit will be considered to be issued. The permit shall be issued provided the proposed activity meets the requirements of this section.
- (4) Any permit granted must be in writing and shall contain all conditions upon which the permit shall be effective.
- (5) The city manager or designee may prescribe any reasonable conditions or requirements he/she deems necessary to minimize noise disturbances upon the community or the surrounding neighborhood, including use of mufflers, screens or other sound-attenuating devices.
- (6) Any final decision of the city manager or designee pursuant to this section which denies the applicant the right to create sound levels, including amplified sound, which do not exceed the maximum sound level limits designated in this chapter, except as provided in Table I and Table I-A, will be immediately reviewed

as a matter of right by the circuit court upon the filing of an appropriate pleading by the city.

- (b) *Permits for entertainment.* Permits may be granted for the purpose of entertainment under the following conditions:
- (1) The function must be open to the general public (admission may be charged).
 - (2) The function must take place on public property, or public space, provided only six functions requiring a special permit may be held on any particular public space per calendar year.
 - (3) The permit will be granted for only four hours in one 24-hour day or any reasonable extension thereof as authorized by the city manager or designee.
 - (4) The permit will only be granted for hours between 9:00 a.m. and 12:00 midnight on all days other than Friday and Saturday; and, on Friday and Saturday, between the hours of 9:00 a.m. and 1:00 a.m. of the following day, except in the following circumstances:
 - a. A permit will be granted for hours between 9:00 a.m. on New Year's Eve and 1:00 a.m. the following day (New Year's Day).
 - b. A permit will be granted for hours between 9:00 a.m. and 2:00 a.m. the following day if there are no private residences, hospitals or nursing homes within a 0.5 mile radius of the property where the function is taking place.
 - (5) Functions for which the permits are issued shall be limited to a continuous airborne sound level not to exceed 70 dB(A), as measured 200 feet from the real property boundary of the source property. When one or more streets are closed adjacent to the source of the sound, the measurement shall be taken 200 feet from the boundary of the closed area.
- (c) *Other permits.* Special permits for nonentertainment special purposes, other than for emergency work that is exempt pursuant to section 15-3(e)(3), may be issued under the following conditions:
- (1) *Nonrecurring.*
 - a. If the special purpose relates to the operation of a trade or business, the special purpose shall not be in the ordinary course of that trade or business; or
 - b. If the special purpose does not relate to the operation of a trade or business, the special purpose shall not be an ordinary event in the affairs of the applicant;
 - (2) *Recurring.* If the special purpose is a recurring purpose, it shall not recur more often than four times each calendar year; and:
 - a. The special purpose shall be essential to the operation of the applicant's trade or business; or
 - b. If the special purpose is not essential to the operation of a trade or business, the special purpose shall be compatible with the ordinary activities of the surrounding neighborhood;
 - (3) *Hours.* The special permit may be issued only for hours between 7:00 a.m. and 11:00 p.m. the same day on weekdays; and
 - (4) *Duration.* Special permits may be issued for no longer than one week, renewable by further application to the city manager or designee provided the applicant otherwise meets the provisions of this chapter.
- (d) *Use of loudspeakers on exterior of building.* No permit may be issued to permit the use of any loudspeaker or sound device on the exterior of any building which at any time exceeds the sound level limits in Table II, except those used for emergency systems or devices as allowed by section 15-3(d)(6) above.
- (e) *Fraternity or sorority events.* Special permits shall be issued for off-campus fraternity/sorority events as

follows:

- (1) Sound level permits may be obtained to allow an increased residential sound level of 65 dB(A) between 9:00 p.m. and 1:00 a.m. the following day on designated dates, which permits will be valid only at the fraternity/sorority residence and only when all sources of music are located in a completely enclosed building as defined in section 30-23 of the land development code. Each fraternity/sorority is responsible for obtaining its sound level permit on the appropriate date.
- (2) All fraternities/sororities will receive sound level permits on five dates each year, three of which shall be the last Saturday of fall and spring rush and the Saturday of the University of Florida Homecoming.
- (3) The off-campus fraternities/sororities, collectively, shall choose the two optional dates on which they may receive additional sound level permits, which dates shall be submitted to the city manager or designee on or before September 30th of each year. After the submission of dates, the city manager or designee will approve and designate the optional dates hereinabove described.
- (4) Other student organizations officially registered with the University of Florida may file an application with the city manager or designee for issuance of a special permit for comparable events.

(Ord. No. 3868, § 1, 6-22-93; Ord. No. 960423, § 1, 9-22-97; Ord. No. 960008, § 1, 12-8-97; Ord. No. 970646, § 1, 12-15-97; Ord. No. 980395, § 1, 9-28-98; Ord. No. 980590, § 1, 10-26-98; Ord. No. 981314, § 1, 4-10-00; Ord. No. 000048, § 1, 8-14-00; Ord. No. 000712, § 1, 1-8-00)

Sec. 15-5. - Measurement or assessment of sound.

(a) *Measurement with sound level meter.*

- (1) The measurement of sound shall be made with a sound level meter meeting the standards prescribed by ANSI S1.4-1971 (R1976). The instruments shall be maintained in calibration and good working order. A calibration check shall be made of the system at the time of any sound level measurement. Measurements recorded shall be taken so as to provide a proper representation of the source of the sound. The microphone during measurement shall be positioned so as not to create any unnatural enhancement or diminution of the measured sound. A windscreen for the microphone shall be used at all times. However, a violation of this chapter may occur without the occasion of the measurements being made as otherwise provided.
- (2) The slow meter response of the sound level meter shall be used in order to best determine the average amplitude.
- (3) The measurement shall be made at any point on the property into which the sound is being transmitted and shall be made at least three feet away from any ground, wall, floor, ceiling, roof and other plane surface.
- (4) In case of multiple occupancy of a property, the measurement may be made at any point inside the premises to which any complainant has right of legal private occupancy; provided that the measurement shall not be made within three feet of any ground, wall, floor, ceiling, roof or other plane surface.
- (5) All measurements of sound provided for in this chapter will be made by qualified officials of the city who are designated by the city manager or designee to operate the apparatus used to make the measurements.

- (b) *Assessment without sound level meter.* Any police officer or other official designated by the city manager or designee who hears a noise or sound that is plainly audible, as defined in section 15-2, in violation of this

chapter, shall assess the noise or sound according to the following standards:

- (1) The primary means of detection shall be by means of the official's normal hearing faculties, so long as the official's hearing is not enhanced by any mechanical device, such as a hearing aid.
- (2) The official must have a direct line of sight and hearing to the real property of the source of the sound or noise so that the official can readily identify the offending source of the sound or noise and the distance involved. If the official is unable to have a direct line of sight and hearing to the real property of the source of the sound or noise, then the official shall confirm the source of the sound or noise by approaching the suspected real property source of the sound or noise until the official is able to obtain a direct line of sight and hearing, and identify the identical or same sound or noise that was heard at the place of original assessment of the sound or noise.
- (3) The official need not determine the particular words or phrases being said or produced or the name of any song or artist producing the noise or sound. The detection of a rhythmic bass reverberating type of noise or sound is sufficient to constitute a plainly audible noise or sound.

(Ord. No. 3868, § 1, 6-22-93; Ord. No. 981314, § 1, 4-10-00)

Sec. 15-6. - Violation procedures.

(a) *Violation of sound level limits; violation of plainly audible standard on other than posted property.*

(1) *Warnings:*

- a. When a designated official of the city determines that there is a violation of section 15-3 and the sound is coming from non-posted property, the official shall issue a written warning to the person or persons responsible for the sound. The warning shall advise the person of the violation, and of the possible penalty if the person fails to eliminate the sound or reduce the sound so that it is within permitted limits.
- b. The person or persons receiving the warning shall have a reasonable time, as defined in section 15-2, to comply with the warning.
- c. For the purposes of this section, it is sufficient warning for all prohibited sounds if the person or persons responsible for any succeeding sounds are warned of, or cited for, one or more offending sounds of the same type within the previous year (365 days), or in the case of a business, in the time period since ownership of the business changed, whichever is less.

(2) *Citation; confiscation of sound emitter.*

- a. If the sound is not eliminated or is not reduced to allowable limits within a reasonable time after the warning, or if the noise or sound is abated after warning and then reoccurs, the person so warned and not complying shall be cited for a violation of this chapter.
- b. The city manager or designee shall notify the operator of any device that produces sound in excess of the limits set by Table I or Table I-A in section 15-3(b) that the device is a health hazard. The city manager or designee shall have the power and authority to have the device removed or toned down instantly until such time as it can be otherwise operated in compliance with this chapter.

(b) *Violation of plainly audible standard on posted property.*

- (1) When a designated official of the city determines a person or persons are making, causing or allowing the making of sound that is in violation of the plainly audible standard on property posted as described

below, the official shall issue a citation for violation of this chapter to such person or persons.

- (2) Property shall be considered posted for the purposes of this subsection if at least one warning sign is posted in a conspicuous place on the property, clearly visible and readable to all persons entering the property, warning persons that noise that is plainly audible is prohibited. Signs shall read as follows:

WARNING

Playing a stereo
radio, or amplifier
that can be heard 200 feet
away is prohibited.
City Ord. Sec. 15-3

Letters in the word "WARNING" must be at least two inches high in bold type. Letters for the remaining text must be at least one inch high in normal type, and the words "City Ord. Sec. 15-3" must be at least one-half inch high in normal type. All letters must be light-reflective on a contrasting background. The sign structure containing the required warning must be permanently installed with the word "WARNING" not less than three feet and not more than six feet above ground level.

- (3) The city manager or designee may require a property to be posted if it is used for commercial purposes, including as a parking lot for an adjacent business, and:
- a. The business is generally unattended by the owner or an agent of the owner during normal operating hours; or
 - b. Two or more citations for violation of this chapter resulting in payment of a fine or adjudication of guilt by a judge are issued due to acts of patrons or visitors during any 90-day period.

(c) *Other limits; complaint procedure.*

- (1) Any complaint regarding a sound or noise disturbance based solely on its disturbing a reasonable person of normal sensitivities must be filed by a person who is disturbed by the sound or noise. The burden of proof of this complaint will be on the complainant if the complaint results in a hearing before a judge. The complaint may be filed at the time of the disturbance or within a reasonable period of time after the fact.
- (2) When a complaint has been received, a designated official shall investigate the charges. If the official finds probable cause to believe the owner/operator is in violation of this chapter, the official shall issue a warning to cease and desist the violation.
- (3) If the owner/operator does not take corrective action within a reasonable time as defined in section 15-2, or if the noise or sound is abated after warning and then reoccurs, the official may issue a citation or file a sworn complaint with the state attorney. For purposes of section 15-3(d)(5) (animal noises), the noise will be considered to be unabated, or abated and reoccurring, if the official hears the same noise more than ten minutes after issuing the warning; and the official may then issue a citation based on this violation.

- (d) *Joint and several responsibility.* The owner, tenant or lessee of property, or a manager, overseer or agent, or any other person lawfully entitled to possess the property from which the offending sound is emitted at the time the offending sound is emitted, shall be responsible for compliance with this chapter. It shall not be a

lawful defense to assert that some other person caused the sound. The lawful possessor or operator of the premises shall be responsible for operating or maintaining the premises in compliance with this chapter and shall be punished whether or not the person actually causing the sound is also punished.

- (e) *Violation may be declared public nuisance.* The operation or maintenance of any device, instrument, vehicle or machinery in violation of any provisions of this chapter which endangers the public health, safety and quality of life of residents in the area is declared to be a public nuisance, and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

(Ord. No. 3868, § 1, 6-22-93; Ord. No. 4016, § 1, 9-12-94; Ord. No. 951346, § 1, 5-28-96; Ord. No. 960008, § 1, 12-8-97; Ord. No. 981314, § 1, 4-10-00; Ord. No. 050635, § 1, 10-23-06)

Sec. 15-7. - Penalties.

- (a) The provisions of this chapter may be enforced by civil citation or by criminal citation. Any person not in compliance with this chapter shall, upon conviction, be subject to the penalties designated in section 1-9 or section 2-339. Each violation shall be considered a separate offense, which can be prosecuted separately.
- (b) Any person responsible for an unlawful sound shall be subject to the confiscation of the sound emitter or emitters if convicted three times under this chapter within a 12-month period and provided the convictions are for sounds created by the same or same type of sound emitter. Upon the third conviction, the appropriate court shall authorize the city to confiscate the sound emitter until such time as the offender can positively demonstrate to the court both willingness and ability to operate the emitter within the limits prescribed by this chapter. Any further conviction shall authorize the permanent confiscation of the sound emitter by the appropriate court.

(Ord. No. 4016, § 2, 9-12-94; Ord. No. 981314, § 1, 4-10-00)

Sec. 14-32. - Legislative findings.

It is found and declared that:

- (1) This article is enacted pursuant to Article II, Section 7, of the Florida Constitution, which provides that adequate provision shall be made by law for the abatement of excessive and unnecessary noise, and by the home rule power of Lake County, Florida, set forth in F.S. § 125.01(1).
- (2) Excessive sound within the unincorporated county limits is a condition which is increasing in severity with the continued residential and commercial growth of Lake County, Florida.
- (3) The necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, safety and welfare of the citizens of the Lake County, Florida.

(Ord. No. 2005-3, § 2, 1-4-05)

Sec. 14-33. - Scope.

This article shall be effective throughout the unincorporated areas of Lake County, Florida.

(Ord. No. 2005-3, § 2, 1-4-05)

Sec. 14-34. - Excessive noise prohibited.

No person shall create, continue or cause to be created any excessive noise audible to persons within the unincorporated areas of Lake County, Florida. Excessive noise shall mean a noise that is:

- (1) Of such amount or of such duration, wave frequency or intensity as may be or is injurious to human or animal life or property;
- (2) Of such amount, level, duration or character as to annoy, disturb, injure or unreasonably interfere with or endanger the health, peace or comfortable enjoyment of life, property or the conduct of business; or
- (3) Of such character and in such quantity or level as to be detectible by a considerable number of persons or the public, so as to interfere with such persons or the public health, repose or safety, or to cause severe annoyance or discomfort; or which interferes with the normal conduct of business, or is otherwise detrimental or harmful to the health, comfort, living conditions, welfare and safety of the inhabitants of the county.
- (4) The definition of "noise disturbance" includes sounds that are created within a municipality or county other than Lake County, but which are detected within the unincorporated boundaries of Lake County, Florida.

Factors to be considered in determining whether such noise is excessive include, but are not limited to the level of the noise, whether the origin of the noise is natural or unnatural, the nature of the zoning of the area from which the noise emanates and the area of where it is received, the proximity of the noise to sleeping facilities, the time of day or night the noise occurs, the duration of the noise and whether the noise is recurrent, intermittent or constant.

(Ord. No. 2005-3, § 2, 1-4-05)

Sec. 14-35. - Other prohibited activities.

The following conduct, acts and circumstances are hereby declared to be prohibited:

- (1) *Residential construction and demolition.* No person shall operate or cause the outdoor operation within any residential zoning district of any tools or equipment used in construction, drilling, repair, alteration or demolition work between the hours of 7:00 p.m. and 7:00 a.m. the following day, except for emergency work by public service utilities or for road construction by or on behalf of a governmental agency which is required by the governmental agency to be done at night. This prohibition does not apply to construction taking place in commercial or industrial zoning categories, to golf course maintenance, nor to delivery and installation of concrete and other materials associated with residential slab installation.
- (2) *Vehicular refrigeration units.* Vehicular refrigeration units located within residential zoning districts shall not be operated between the hours of 9:00 p.m. and 6:00 a.m. the following day.

For purposes of this article the term "residential zoning districts" shall include those areas zoned as Ranchette District (RA), Agricultural Residential (AR), Rural Residential (R-1), Estate Residential (R-2), Medium Residential District (R-3), Medium Suburban Residential District (R-4), Urban Residential District (R-6), Mixed Residential District (R-7), Multifamily Residential (R-10), Residential Professional (RP), Mobile Home Rental Park District (RMRP), Mobile Home Residential (RM), Recreational Vehicle Park District (RV) and residential Planned Unit Developments (PUD).

(Ord. No. 2005-3, § 2, 1-4-05; Ord. No. 2017-49, § 2, 10-10-17)

Sec. 14-36. - Knowledge and permission of property owner or occupant.

The continuation of excessive noise shall be deemed to continue with the knowledge and permission of the property owner or occupant.

(Ord. No. 2005-3, § 2, 1-4-05)

Sec. 14-37. - Exemptions.

The following uses and activities shall be exempt from the provisions of this article:

- (1) Sounds resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency, and including any required equipment testing of emergency vehicles during non-emergency times.
- (2) Sounds resulting from emergency work. Emergency work shall be defined to mean any work made necessary to restore property to a safe condition following an emergency, or to protect property threatened by an imminent emergency, to the extent such work is necessary to protect persons or property from exposure to imminent danger or damage.
- (3) Any aircraft operated in conformity with, or pursuant to, federal law, federal air regulations and air traffic control instruction used pursuant to and within the duly adopted federal air regulations; and any aircraft operating under technical difficulties in any kind of distress, under emergency orders of air traffic control, or being operated pursuant to and subsequent to the declaration of an emergency under federal air regulations.
- (4) All sounds coming from the normal operation of interstate motor and rail carriers, to the extent that local regulation of sound levels of such vehicles has been preempted by the Noise Control Act of 1972 (42 U.S.C. § 4901 et seq.) or other applicable federal laws or regulations.
- (5) Sounds coming from motor vehicles to the extent they are regulated by F.S. § 316.293.
- (6) Any nonamplified noise generated by noncommercial public speaking activities conducted on any public property or public right-of-way pursuant to legal authority.
- (7) Sounds produced at:
 - a. Organized sporting events;
 - b. Events with an approved special event permit;
 - c. By fireworks; and
 - d. By permitted parades on public property or public right-of-way.
- (8) Construction of commercial or industrial structures properly permitted by the agency having jurisdiction over such property.
- (9) Sounds produced by normal agricultural activities located in appropriate zoning districts.

(Ord. No. 2005-3, § 2, 1-4-05; Ord. No. 2013-4, § 3, 1-22-13)

Sec. 14-39. - Enforcement and penalties.

- (a) *Criminal penalties.* The sheriff of Lake County, Florida, and his deputy sheriffs are hereby authorized and empowered to investigate and to arrest any person when there is probable cause to believe that said person is violating any provision of this article and said person has been previously warned by a deputy sheriff that his actions or omission of actions constitutes conduct in violation of this article. Pursuant to section F.S. § 125.69, any person who violates any provision

of this article shall be subject to prosecution in the name of the state in the same manner as misdemeanors are prosecuted; and, upon conviction, such person shall be punished by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the county jail not to exceed sixty (60) days or by both such fine and imprisonment.

- (b) *Code enforcement special master.* The Lake County Code Enforcement Special Master shall have concurrent jurisdiction to enforce the provisions of this article.
- (c) *Civil penalties.* A code enforcement officer or any law enforcement officer is hereby authorized to issue civil citations for the violation of any provision of this article, when based upon personal investigation, the officer has reasonable and probable grounds to believe that a violation has occurred. Any citation issued hereunder shall be a non-criminal infraction. The citation form shall be that which has been approved by the board of county commissioners.
 - (1) A citation for initial violation of section 14-34 which is not contested shall carry a reduced civil penalty of one hundred fifty dollars (\$150.00), provided that such reduced civil penalty shall be paid to the clerk of the county court within ten (10) days of the alleged violator's receipt of the citation. A citation for initial violation of section 14-35 which is not contested shall carry a reduced civil penalty of fifty dollars (\$50.00) provided that such reduced civil penalty shall be paid to the clerk of the county court within ten (10) days of the alleged violator's receipt of the citation.
 - (2) A citation for a repeat violation which is a second violation of section 14-34 which is not contested shall carry a reduced civil penalty of three hundred dollars (\$300.00) provided that such reduced civil penalty shall be paid to the clerk of the county court within ten (10) days of the alleged violator's receipt of the citation. A citation for a repeat violation which is a second violation of section 14-35 which is not contested shall carry a reduced civil penalty of one hundred dollars (\$100.00) provided that such reduced civil penalty shall be paid to the clerk of the county court within ten (10) days of the alleged violator's receipt of the citation.
 - (3) A citation for repeat violation of section 14-34, other than a second violation, and which is not contested, shall carry a reduced civil penalty of four hundred fifty dollars (\$450.00) provided that such reduced civil penalty shall be paid to the clerk of the county court within ten (10) days of the alleged violator's receipt of the citation. A citation for repeat violation of section 14-35, other than a second violation, and which is not contested, shall carry a reduced civil penalty of one hundred fifty dollars (\$150.00) provided that such reduced civil penalty shall be paid to the clerk of the county court within ten (10) days of the alleged violator's receipt of the citation.
 - (4) An alleged violator may contest the citation by requesting a hearing date from the clerk of the court within ten (10) days of the receipt of the citation. A person who requests a hearing date shall be deemed to have waived the right to pay the reduced civil penalty.
 - (5) If a citation for violation of this article is contested, the civil penalty imposed by the county court shall not exceed five hundred dollars (\$500.00).

- (6) Any person who willfully refused to sign and accept a citation issued by the officer shall be guilty of a misdemeanor of the second degree, punishable as provided for in F.S. Ch. 775.
- (7) After issuing a citation to the alleged violator, the officer shall deposit the original citation and one (1) copy with the clerk of the county court in Lake County.
- (8) The county court, after a hearing, shall determine whether the alleged violator has committed an infraction. If the commission of an infraction has been proven by the greater weight of the evidence, the county court may impose a civil penalty not to exceed five hundred dollars (\$500.00).
- (9) A person who fails to pay the reduced civil penalty within ten (10) days of receipt of the citation, or who fails to request a hearing, or who requests a hearing but fails to appear, shall be deemed to have waived the right to contest the citation, and the county court may enter judgment against the person for an amount not to exceed five hundred dollars (\$500.00).

(Ord. No. 2005-3, § 2, 1-4-05)

ARTICLE II. - NOISE

Sec. 21-20. - Prohibition.

It shall be a violation of this article for any person to make, cause, or allow the making of any noise or sound within the unincorporated area of Citrus County that exceeds the noise level limits as set forth in this article.

(Ord. No. 2010-A05, § 1, 2-9-10)

Sec. 21-21. - General standards.

- (a) Noise generated across real property lines or interior noise within multiple-family dwelling units shall conform to the sound level limits as set forth in Tables I and II, respectively, of section 21-22. The minimum measurement period shall be ten minutes. Sound shall be measured pursuant to section 21-25. Exceeding the standard more than ten percent of the measuring period shall constitute a violation.
- (b) Maximum instantaneous sound levels shall conform to the sound level limits as set forth in Table III of section 21-22. The minimum measurement period shall be ten minutes. Sound shall be measured pursuant to section 21-25. A single "instantaneous" occurrence above the maximum sound level shall constitute a violation.

(Ord. No. 2010-A05, § 1, 2-9-10)

Sec. 21-22. - Sound level limits.

- (a) *Noise generated across real property lines.* The noise from any activity or from any permissible use of property within the applicable land use district classifications of Citrus County shall be deemed a violation if the total noise level as measured on the A-scale due to both ambient noise, and the alleged source of the offensive noise, exceeds the noise levels which are prescribed in Table I, the measurement of which is based upon decibels. All such measurements as well as the method employed shall be consistent with section 21-25, and shall represent the A-weighted sound pressure level which is exceeded ten percent of the time (L10) during the observation period.

Table I

Receiving Land Use District	Time	Sound Level Limit dB(A)
Residential	Daytime	60
	Nighttime	<u>55</u>
Government-owned buildings or property, institutional or recreational	Daytime	<u>55</u>
	Nighttime	50
Commercial or business	Daytime	65
	Nighttime	60

Industrial or manufacturing	Daytime	75
	Nighttime	75
Agricultural	Daytime	75
	Nighttime	75

- (b) *Interior noise within multiple-family dwelling units.* Notwithstanding any other provisions of this chapter, it shall be unlawful for any person to create, maintain or cause to be maintained any sound for any period of time within the interior of any multiple-family dwelling unit which causes the noise level to exceed those limits prescribed in Table II. All such measurements as well as the method employed shall be consistent with section 21-25.

Table II

Multiple-Family Dwelling Units	Allowable Interior Sound Level Limit dB(A)
Daytime	<u>55</u>
Nighttime	45

- (c) *Maximum instantaneous sound level.* The noise from any activity or from any permissible use of property within the applicable land use district classifications of Citrus County shall be deemed a violation if the noise level exceeds the limits set forth in Table III at any time during the measurement period. The minimum measurement period shall be ten minutes. Sound shall be measured pursuant to section 21-25:

Table III

Receiving Land Use District	Time	Sound Level Limit dB(A)
Residential	Daytime	<u>70</u>
	Nighttime	60
Government-owned buildings or property, institutional or recreational	Daytime	65
	Nighttime	<u>55</u>
Commercial or business	Daytime	75
	Nighttime	65

Industrial or manufacturing	Daytime	85
	Nighttime	85
Agricultural	Daytime	85
	Nighttime	85
Multiple-family dwelling units	Daytime	60
	Nighttime	50

(Ord. No. 2010-A05, § 1, 2-9-10)

Sec. 21-23. - Noise sensitive zones.

It shall be a violation of this article to create, maintain or cause to be maintained any sound within or adjacent to any noise sensitive zone so as to exceed 55 dB(A) at any time when measured at a distance of at least 25 feet from the sound source, provided that conspicuous signs are displayed indicating the presence of the zone to read "Quiet Zone."

(Ord. No. 2010-A05, § 1, 2-9-10)

Sec. 21-24. - Noise exposure (OSHA limits).

The lawful operation of any loudspeaker or other source of sound in any place of public entertainment that exceeds levels shown in Table IV at any point when normally occupied by a customer shall require the placement of a conspicuous and legible sign as follows: "WARNING. SOUND LEVELS WITHIN MAY CAUSE PERMANENT HEARING IMPAIRMENT."

Table IV

Duration Per Day Continuous Hours	Noise Level dB(A)
8 hours	90
6 hours	92
4 hours	95
3 hours	97
2 hours	100
1½ hours	<u>102</u>

1 hour	105
½ hour	110
¼ hour or less	115

;adv=6;(Ord. No. 2010-A05, § 1, 2-9-10)

Sec. 21-25. - Measurement of sound.

- (a) The measurement of sound or noise shall be made with a sound level meter meeting the standards prescribed by the American National Standards Institute (ANSI), S1.4 American National Standard Specifications for Sound Level Meters, or successor publications. The instruments shall be maintained in calibration and good working order. A calibration check shall be made of the system at the time of any noise measurement, both before and after the measurement is taken.
- (b) Measurements shall be taken so as to provide a proper representation of the noise source. The microphone during measurement shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. No individual other than the operator shall be within ten feet of the sound level meter during the sample period. A windscreen for the microphone shall be used at all times.
- (c) The sound level meter shall be of at least two ANSI requirements. The sound level meter shall utilize the A-weighted network when measurements are taken. The microphone shall be oriented in accordance with instrument manufacturer's instructions.
- (d) The measurement shall be made at the nearest adjacent real property line from the property on which the noise source is located for outside measurements. Such noise measurements shall be made at least four feet above the ground and at a point at least ten feet away from any walls, barriers, or other obstructions. For inside measurements, concerning multifamily dwelling units, measurements shall be at least three feet from any wall, ceiling or partition.
- (e) All noise measurements provided for in this chapter will be made by designated enforcement agents of Citrus County who are qualified to operate the apparatus used to take the measurements as provided for in this article.
- (f) The operator conducting noise-measurement tests shall document all noise-measurement results in a written record. Said record shall include the following:
 - (1) The instrumentation used, including name, make type and serial number.
 - (2) Date of last laboratory calibration.
 - (3) On-site calibration verification before and after each series of measurements.
 - (4) Name and location of the measuring area.
 - (5) A detailed sketch of the measuring area.
 - (6) Time and date of measurements.
 - (7) Names of observers.

(8) General weather conditions.

(Ord. No. 2010-A05, § 1, 2-9-10)

Sec. 21-26. - Specific noise prohibitions.

In addition to those general standards set forth in section 21-21, and unless otherwise exempted in this article, the following acts, and the causing thereof, are declared to be a violation of this section:

- (1) *Horns and signal devices.* The sounding of any horn or audible signaling device of a motor vehicle, engine, machine, or stationary boiler continuously or intermittently for a period in excess of 60 seconds, except as a danger or emergency warning.
- (2) *Radios, televisions, electronic audio equipment, musical instruments, and similar devices.*
 - a. The use, operation or playing of any radio, television, phonograph, stereo set, tape player, sound amplifier, musical instrument or similar device which produces or reproduces sound which exceeds the permitted levels as prescribed in Table 1.
 - b. The operation or playing of any radio, musical instrument, or similar device which produces sound on the public right-of-way which exceeds the permitted levels as prescribed in Table 1.
- (3) *Loudspeakers and devices for advertising.*
 - a. The use, operation, or playing of any loudspeaker system, sound amplifier or other similar device which produces or reproduces sound which is cast or emitted upon public rights-of-way for the purpose of commercial advertising or for attracting the attention of the public to any building, structure, vehicle or activity, which is being carried on thereon.
 - b. The use, operation, or playing of any loudspeaker system, sound amplifier or other similar device between the hours of 10:00 p.m. and 7:00 a.m. the following day in such a manner so as to cause a noise disturbance across a residential real property boundary. This section shall not apply to public school activities.
- (4) *Explosives or similar devices.* Notwithstanding any other provision, the use or firing of explosives or similar devices in such a manner as to create a noise disturbance within a noise sensitive zone, at or in government-owned buildings or property, or public right-of-way.
- (5) *Loading and unloading.* The loading, unloading, closing or other handling of boxes, crates, containers, building materials, or similar objects between the hours of 10:00 p.m. and 7:00 a.m. the following day so as to cause a noise disturbance across a residential real property boundary.
- (6) *Construction and demolition activity.* The operation of any equipment used in construction work, building, excavation, grading, pile driving, pneumatic hammering, demolition, dredging, building alteration or repair work between the hours of 10:00 p.m. and 7:00 a.m. of the next day, except for emergency work.
- (7) *Fixed mechanical equipment.* The use or operation of any noise-creating air conditioner, heater, compressor unit, power fan or blower, fixed electrical motor or engine which causes excessive and unnecessary noise, unless such mechanical equipment is functioning in accord with the manufacturers' specifications and with all manufacturers' mufflers and noise reducing equipment in proper operating condition.
- (8) *Portable mechanical equipment and power tools.* The use or operation of any power tools or portable

mechanical equipment, including a power saw, sander, drill, grinder, lawn or garden tool, or similar device, used in residential areas between the hours of 10:00 p.m. and 7:00 a.m. the following day so as to cause a noise disturbance across a residential real property boundary.

- (9) *Vehicle and motorboat repair and testing in residential areas.* The repairing, rebuilding or testing of any motor vehicle or motorboat within any residential areas between the hours of 10:00 p.m. and 7:00 a.m. the following day so as to cause a noise disturbance across a residential real property boundary.
- (10) *Refuse collection.* The collection of refuse with a refuse collection vehicle between the hours of 7:00 p.m. and 6:00 a.m. the following day in a residential or noise sensitive zone.
- (11) *Testing of emergency signaling device.*
 - a. The intentional sounding or permitting the sounding of any fire, burglar, or civil defense alarm, siren, whistle, or similar stationary emergency signaling device between the hours of 10:00 p.m. and 7:00 a.m. the following day.
 - b. Any testing shall use a minimum cycle test time. In no case shall such test exceed 60 seconds.
 - c. Testing of a complete emergency signaling system, including functioning of the signaling device and personnel response to the signaling device shall not occur between the hours of 10:00 p.m. and 7:00 a.m. of the following day. The testing of a complete emergency signaling system shall be exempt from the time limit specified in subsection (2) above.
- (12) *Fixed building or vehicular alarms.* Except as permitted by subsection 21-26(11) or exempted by subsections 21-29(a) and (b), the use of fixed building or vehicular alarms unnecessarily or for an unreasonable period of time. Specifically, when sounded for false alarms or sounded for a period in excess of 15 minutes.
- (13) *Electronically amplified signals.* The sounding of any electronically amplified signal from any stationary bell, chime, siren, whistle or similar device intended primarily for nonemergency purposes from any place for more than ten seconds in any hourly period.
- (14) *Special exemption or variance.* A violation of any requirement or condition of a special exception or variance granted pursuant to section 21-29 of this article.

(Ord. No. 2010-A05, § 1, 2-9-10; Ord. No. 2011-A22, § 1, 9-27-11)

Sec. 21-27. - Regulations on motor vehicles.

- (a) *Motor vehicles operating on public right-of-way.* Motor vehicles on a public right-of-way are regulated as set forth in Florida Statutes. Unless otherwise set forth within this article, sound level limits for or excessive sound to a receiving land use district shall not apply.
- (b) *Competitive racing events.* No person shall construct, alter or expand any installation or facility for competitive racing events without first providing documentation and assurance for compliance with this article, and without first receiving approval from the board of county commissioners. The documentation and assurance above shall include, but not be limited to, the use of sound barriers, use of muffler devices, control of direction and volume of loud speakers, and provisions for monitoring.

(Ord. No. 2010-A05, § 1, 2-9-10)

Sec. 21-28. - Exemptions.

The following uses and activities shall be exempt from the noise level regulations of this article:

- (1) Noises resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency.
- (2) Noises of safety signals, warning devices, and emergency pressure relief valves, when utilized for their intended use.
- (3) Noises resulting from emergency work as defined in section 21-11.
- (4) Construction operations for which building permits have been issued, or construction operations not requiring permits, providing all equipment is operated in accord with the manufacturers' specifications and with all standard equipment, manufacturers' mufflers and noise reducing equipment in use in proper operating condition. This exception shall not apply between the hours of 10:00 p.m. and 7:00 a.m. of the following day.
- (5) Air conditioners and lawn mowers are exempt from provisions of this article when functioning in accord with the manufacturers' specifications and with all manufacturers' mufflers and noise reducing equipment in use and in proper operating conditions.
- (6) The unamplified human voice.
- (7) Unamplified crowd noises resulting from activities such as those planned by student or community groups, or racing/sporting events.
- (8) Noises from motor vehicles engaged in a professional or amateur sanctioned, competitive sports event for which admission or an entry fee is charged, including practice or time trials for such event, if otherwise permitted hereunder.
- (9) Noises consistent with cultural, historical, or traditional observances, holidays and ceremonies. This shall include church activities, noncommercial public speaking and officially authorized public assembly activities in or at a government-owned building or property, or on public right-of-way such as school activities, carnivals, festivals, fairs, sporting events, parades, supervised fireworks displays or the like.
- (10) Reasonable operation of unamplified church bells or chimes when used for traditional religious purposes.
- (11) The construction, emergency or routine maintenance of public service utilities.
- (12) Approved mosquito fogging operations and aquatic plant control.
- (13) All noises from railway and airport activities in accordance to federal, state and local laws.
- (14) The supervised public display of fireworks by fair associations, amusement parks, and other organization or groups of individuals or other lawful use of fireworks.
- (15) Refuse collection vehicles in areas other than residential areas and quiet zones.
- (16) Scheduled road construction and maintenance by city, county or state agencies and their authorized contractors.
- (17) Motor vehicles operating on a public right-of-way subject to F.S. § 316.272, and applicable federal criteria.
- (18) Noises from all equipment tests required by law, and not otherwise regulated herein.
- (19) Farming and forestry operations and incidental activities including but not limited to sounds created by equipment, domestic livestock and production and marketing activities on lands designated agricultural, rural residential and conservation.
- (20) Any other noise resulting from activities of a temporary duration permitted by law and for which a special

permit or variance is obtained pursuant to section 21-30 or 21-31, provided the activities shall be in accordance with the conditions and limitations stated therein.

(Ord. No. 2010-A05, § 1, 2-9-10; Ord. No. 2011-A22, § 2, 9-27-11)

Sec. 21-29. - Special exception.

- (a) A special exception to the noise standards set forth in this article may be issued for a single temporary public or private special event or use upon written request to the county administrator or his duly authorized representative within a reasonable timeframe prior to the date for which the relief is requested.
 - (1) Any waiver granted by the county administrator hereunder must be in writing and shall contain all conditions upon which said permit shall be effective.
 - (2) The county administrator may prescribe any reasonable conditions or requirements deemed necessary to minimize the adverse effects upon the community or the surrounding neighborhood, including but not limited to the use of mufflers, screens or other sound attenuating devices.
 - (3) A special exception granted pursuant to this subsection shall be for a specified period, but shall not exceed 15 days.
 - (4) A copy of the request shall be forwarded to the Citrus County Sheriff's Office. Recommendations of such agency shall be considered in establishing the conditions required herein.
- (b) Any person desiring relief from the provisions of this article not provided for by subsection (a) above may request and receive a special exception in the same manner as set forth in subsection (a) for the following circumstances:
 - (1) Additional time is necessary for the applicant to alter or modify the activity or noise source in order to comply with this article.
 - (2) The activity, operation or noise source will be of a temporary duration and cannot be done in a manner that would comply with the provisions of this article.
 - (3) No reasonable alternative is available to the applicant.
 - (4) A special exception granted pursuant to this subsection shall be for a specified period, but shall not exceed 60 days.
- (c) Applicants for special exceptions granted pursuant to this section shall comply with all reasonable conditions and requirements deemed necessary by the county administrator including effective date, time of activity, location and equipment limitations, and sound attenuation devices.
- (d) Waivers for all other uses shall only be issued as specified in section 21-31.

(Ord. No. 2010-A05, § 1, 2-9-10)

Sec. 21-30. - Variance.

- (a) The planning and development review board (PDRB) may grant a variance from any provision to the noise standards set forth in this article.
- (b) Any person seeking a variance shall submit an application to the department of development services.
- (c) Notice and hearing shall be pursuant to Citrus County Land Development Code section 2610.
- (d) At the hearing, the applicant may submit any relevant evidence or testimony. In deciding whether to grant or

deny the application, the PDRB shall balance the hardship with will result to the applicant, the community and other persons if the variance is not granted, versus the adverse impact on the health, safety, and general welfare of persons if the variance is granted.

- (e) If the PDRB's decision is to grant the application, it shall set forth the terms and conditions of the variance, including the effective date of the variance, the period of the variance, the time of day the variance may be used, the location where the sound may be created or caused, and the sound limits.
- (f) If granted, a written variance, containing all terms or conditions thereof, shall be provided to the applicant. A variance shall not issue, however, until the time for filing a notice of appeal pursuant to subsection (j) hereunder has expired. If a notice of appeal is filed, the variance shall not issue unless the PDRB's decision is upheld.
- (g) A variance shall be issued for a specified time period, but shall not exceed 365 days.
- (h) In the event of noncompliance with any term or condition of the variance, the county's code compliance division shall immediately notify the variance holder as required by F.S. § 162.12. Failure to eliminate the noncompliance within ten calendar days following a finding of guilt by the county's special master shall result in revocation of the variance. The variance holder shall be notified of such revocation in the same manner as notice of noncompliance.
- (i) Any variance applicant or property owner within 500 feet may appeal a decision of the PDRB under this section by certiorari to the circuit court as permissible by law.
- (j) Any variance holder may appeal a decision to revoke a variance pursuant to subsection (h) by certiorari to the circuit court as permissible by law.

(Ord. No. 2010-A05, § 1, 2-9-10)

Sec. 21-31. - Valid nonconforming uses.

When a commercial or industrial use has established its use as of the effective date of this article, away from other incompatible uses, and subsequently through encroachment of development and the utilization of space for residential purposes, now finds itself adjoining a receiving land category or use which would require a reduction in noise generation, such commercial business shall not be subject to the sound level standards specified in this article. However, any type of expansion or change of uses shall not be exempt to the standards of this article. The determination of the existence of a nonconforming use shall be as provided for in the Land Development Code.

(Ord. No. 2010-A05, § 1, 2-9-10)

Sec. 21-32. - Enforcement.

- (a) The primary responsibility for enforcement of this article shall be by the Citrus County Code Compliance Division. The Citrus County Sheriff's Office may also enforce the specific noise prohibitions set forth in section 21-26 hereof.
- (b) For the purpose of determining and classifying any noise as one which is declared unlawful and prohibited by this article, the enforcement agent shall apply the measurement techniques provided in section 21-26 to determine if the standards set forth in section 21-21 have been violated. However, a violation of this article may occur without occasion of the measurements being made if specified in section 21-26 regarding specific noise prohibitions.

- (c) The following procedures shall be followed by the enforcement agent when enforcing this article:
- (1) The appropriate county enforcement agent shall investigate and determine if any noise is in violation of the specific noise prohibitions provided in section 21-26, or any noise level is in excess of the noise control measurement standards in section 21-22.
 - (2) Measurement techniques, when required, shall be done in accordance with section 21-26.
 - (3) If a noise level is found to be in violation of this article, the appropriate enforcement agent shall give warning to the person responsible for the sound. The warning shall advise the person of the violation and of the possible penalty if the person fails to eliminate the sound or reduce the sound so that it is within permitted limits or is not plainly audible.
 - (4) The person receiving the warning shall have a reasonable time to comply with the warning. Absent special circumstances, reasonable time is 15 minutes.
 - (5) For the purposes of this article, it is sufficient warning for all prohibited sounds if the person responsible for such sound has been warned of, or cited for, one or more offending sounds of the same type within the previous 60 days, or in the case of a business, in the time period since ownership of the business changed, whichever is less.
 - (6) If the sound is not eliminated or is not reduced to allowable limits within a reasonable time after the warning, or if the noise or sound reoccurs after warning and abatement, the person so warned and not complying shall be cited for a violation of this article as set forth in section 21-33.

(Ord. No. 2010-A05, § 1, 2-9-10)

Sec. 21-33. - Citation procedures.

- (a) *Citation authorization.* Any county enforcement agent is hereby authorized to issue a citation to a person when, based upon personal investigation, the enforcement agent has reasonable cause to believe that the person has committed a violation of this article.
- (b) *Procedures.* A citation issued by an enforcement agent shall be in a form prescribed by the county and shall contain:
 - (1) The date and time of issuance.
 - (2) The name and address of the person to whom the citation is issued.
 - (3) The date and time the civil infraction was committed.
 - (4) The facts constituting reasonable cause.
 - (5) The number of the section of the code violated.
 - (6) The name and authority of the enforcement agent.
 - (7) The procedure for the person to follow in order to pay the civil penalty or contest the citation.
 - (8) The applicable civil penalty if the person elects to contest the citation.
 - (9) The applicable civil penalty if the person elects not to contest the citation.
- (10) A conspicuous statement that, if the person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, he or she shall be deemed to have waived his or her right to contest the citation and that, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.

- (c) *Citations to be deposited with the county court.* After issuing a citation, the enforcement agent shall deposit the original and one copy of the citation with the county court, by filing same with the clerk of the court.
- (d) *Penalties.*
- (1) A violation of this article shall be deemed a civil infraction.
 - (2) The maximum civil penalty shall not exceed \$500.00.
 - (3) A civil penalty of less than the maximum civil penalty shall be assessed if the person who has committed the civil infraction does not contest the citation.
- (e) *Judgment of court.* If a person fails to pay the civil penalty or request a hearing, fails to appear in court to contest the citation when a hearing has been requested, or fails to appear in court as may be required, the court may enter judgment for an amount not to exceed \$500.00 per infraction and/or may issue a rule to show cause upon the request of the county. The court rule shall require such person to appear before the court to explain why action on the citation has not been taken. If any person who is issued such rule fails to appear in response to the court's directive, the person may be held in contempt of court. At any hearing pursuant to this article, the commission of a violation must be proved by a preponderance of the evidence. The Florida Rules of Civil Procedure and Florida Evidence Code shall be applicable.
- (f) *Payment of penalties.* All civil penalties shall be paid to and collected by the clerk of the court as provided by law.
- (g) *Refusal to sign or accept citation.* Any person who willfully refuses to sign and accept a citation issued by an enforcement agent shall be guilty of a misdemeanor of the second degree, punishable as provided in F.S. § 775.082 or 775.083.

(Ord. No. 2010-A05, § 1, 2-9-10)

Sec. 21-34. - Penalty schedule.

- (a) Penalties for uncontested violations shall be as set forth in Table V.

Table V

Section	Description	Class	Penalty
<u>21-23</u>	Sound level limits	I	\$50.00
<u>21-24</u>	Noise sensitive zones	II	75.00
<u>21-25</u>	Noise exposure	III	100.00
<u>21-27(1)–(4)</u>	Specific noise prohibitions	I	50.00
<u>21-28</u>	Regulations on motor vehicles	I	50.00
<u>21-27(15)</u>	Violation of conditions of special exception	II	75.00

- (b) *Class I and II.* A second violation of the same class I or class II offense shall be double the amount shown on the penalty schedule. Third and subsequent violations of the same class I or class II offense shall require a mandatory court appearance.
- (c) *Class III and IV.* Second and subsequent violations of a class III or class IV offense will require a mandatory court appearance.
- (d) *Class V.* All class V violations shall require a mandatory court appearance and will be subject to the penalties imposed by the court not to exceed \$500.00.

(Ord. No. 2010-A05, § 1, 2-9-10)

Secs. 21-35—21-48. - Reserved.

Hwy. 50-E.

Margaret E. Brixius, 2005 North Murdock Blvd., Orlando, Florida, appeared to explain this request for renewal by explaining that there has been no change since their last permit. There is a retired couple living in a house on the adjoining lot, Mr. and Mrs. Peter Dawn, 2013 North Murdock, Orlando, that she helps to take care of as needed. She has a bar and feels it would be helpful to live on the property to help prevent break-ins.

Mrs. Peter Dawn, 2013 North Murdock Blvd., Orlando, was present and informed the board that she was in favor of the request as they need the help of the applicant.

There was no further opposition.

Upon a motion duly made by Carroll Ward, seconded by Michael Brosche, which was unanimously carried, the foregoing application was approved for two years.

[REDACTED] for a vehicular speed test on the following described property:
W $\frac{1}{2}$ of SW $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 26, T 22 S., R 32 E., AND W $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec. 35, T 22 S., R 32 E., which is located 7/10 mi. W. & 2/10 mi. S. of Hwy. 50 E. & Bithlo Cut-Off Intersection.

Charles Davis, 170 East Washington Street, Orlando, appeared on behalf of the applicant. Mr. Davis advised the board that a group of people are willing to purchase the applicant's property near his dairy for a drag strip at a cost of \$150,000.00. This property is located where there are no neighbors in the vicinity. Mr. Davis pointed out that a drag strip promotes business and keeps people desiring to drag race off of the streets. It is used for a quarter of a mile race clocked for speed. This race is usually once per week between 7 and 10 at night and sometimes during an afternoon.

There has been one in Kissimmee and one in Seminole County with limited success. as they did not have facilities needed for the success desired. A special type installation is necessary for this, which is included in the proposed plans. Miami has found that this type of operation prevents this type of activity on public thoroughfares.

Mr. J. O. Hargis, Jr., Real Estate Broker, 715 East Colonial Drive, Orlando, addressed the board and informed them that eight months ago they were contacted to locate property for this drag strip and they wanted to find property that would not be objectionable to the public. He showed an aerial photograph of the proposed drag strip. Upon checking on this request they found that the people involved in the proposed plans are experienced in their field and that there is a definite need for this operation in Orange County. The strip will be well designed with strict supervision.

Billy Herndon, 3722 Palmire Street, Tampa, Florida, appeared to state that if the request is granted he plans to move to Orlando. He stated that he owns the Tampa Drag Strip also. He showed the board an artist's conception of the proposed plans for their study. It will be called the Orlando Raceway Park and they will keep the park theme with Orlando's general landscaping. It will be $\frac{3}{4}$ of a mile long. He feels that it will be good for Orlando as the people coming into the area for the races will be using the Motels, restaurants, etc. This sport is now recognized to such an extent that automobile manufacturers are participating in the sport and is the second largest spectator sport.

He stated that there is a desire for a drag strip in Orlando. There are 13 drag strips in the State of Florida. They plan on putting in the necessary facilities to make it a first class operation. There will be no alcoholic beverages sold on the premises.

Mr. Herndon introduced a member of the National Association, Eddie Buster Couch, 2134 Rock Haven Circle, Decatur, Georgia, who informed the board that he is known as Division Director of the National Hot Rod Association of the Southeastern Division and they have 60,000 members in the U. S. There 179 tracts in the U. S. and Hawaii and England. They also have Hot Rod Clubs in connection with the organization to help keep children off of the streets. Various Civic organizations sponsor these clubs.

The drawing of the Miami tract, which they are going to build in June, was shown to the board for their information and Mr. Herndon, who will be the owner, stated they plan to build one with minor changes for Orlando. A grandstand will be built for 1000 and when the need arises they will add to the size of the grandstand.

There is an existing easement sixty feet wide on the property and will be used for the entrance to the property. Mr. Lawrence Hiatt, Box 161, Route 4, Orlando informed the board that the easement was used in the mortgage on the property in order that an entrance to the property would not be cut off. It is a matter of record. Mr. Herndon advised the board that it will be paved to the highway. He pointed out that it has been customary in the past to call the Highway Patrol a half hour before the racing is finished and they help direct the traffic.

Mr. Hargis submitted an Article, which was published in the Easter issue of the Magazine section of the local paper, stating that 150 people in this area are interested in the sport, although there is no drag strip in Orlando. There will be all the safety features used in the proposed drag strip with a Cyclone fence, which is a double protective fence with a safety device. This device will turn the cars around when out of control. This helps prevent accidents. The grandstand will be on the North side of the property a safe distance from the strip.

Another article published in the Corner Cupboard April 22, 1965, was

also submitted by Mr. Hargis about an Orlando dragster, who has been racing on the Tampa drag strip. The Article stated that dragsters in this area have had difficulty because there are no facilities in the immediate area for such racing.

There were no objectors.

After due deliberation, and

Upon a ~~motion~~ ^{motion} made by Carroll Ward, seconded by Michael Brosche, which ~~was unanimously carried~~ ^{was unanimously carried}, the foregoing application was approved according to the ~~plan submitted~~ ^{plan submitted}.

14. Michael Clark, request for a Special Exception in an A-2 Zone for television tower 1260 Ft. to 1500 Ft. maximum height (Channel 9) on the following described property: Lot 24, Seward Plantation Estates 4th Add., as recorded in Plat Book T, page 141, Public Records of Orange County, Florida; AND Beg. S $\frac{1}{4}$ cor of Sec. 32, T 22 S., R 32 E., th N. 2200 Ft., th W. 600 Ft., th S. 2200 Ft. to Sec. line, th E. 600 Ft. to P.O.B., which is located W. side Guy Rd., 3/4 mi. S. of Bearle Rd.

Lester Levine, 140 South Court Street, Orlando, was present to represent the applicant. Mr. Levine pointed out that the television tower would be for T.V. Tower, Inc., a separate corporation rather than Channel 9 and two local broadcasters are interested in the tower. Educational T.V. will use the tower also. A series of steps must be taken before the erection of the tower, the first being zoning. The FAA did give them the go ahead signal and they will go back to them, if it is approved for their requirements.

The property is 2 $\frac{1}{2}$ miles from Highway 50 and 3 miles west of the Bithlo cutoff. There will be a transmitter building. There will be a 50 X 50 foot base structure for the tower.

Mike Clarke, Administrative Assistant for Mid-Florida Television Corporation, 639 West Central Blvd., Orlando, Florida, appeared to state that the FAA has assured them that the chances of getting 1200 feet are very excellent and they have a better than 50-50 chance of getting 1500 feet and for that reason they put it to the maximum footage. It will be a guide tower, which is a long narrow pole with guide wires from 3/4 of the way up connected to anchors in the ground.

Mr. Levine explained that it is a joint effort between two stations to improve their facilities. This will help the market value of the T.V. stations. The quality and range of the stations will be increased by the tower.

Board Member, Arne Steen, inquired, if the tower would obstruct air travel, and was informed it would be subject to FAA approval for this reason.

A wire was received by Mr. Rich, the Director, from R. H. and M. A. Welch, 6900 SW 24 Court Miramar, Hollywood, Florida, emphatically objecting to the request on property abutting plat now in course of acquisition from Robert Bashore.

E. Hwy. 50, 5/10 mile W of O'Berry-Hoover Rd.

(Tract area: 4.5 acres. District No. 5)

Mr. Lewis told the Board that he has changed the wiring so that it is underground and he has a water system but now needs approval for an on-site sewage treatment plant in order to complete his mobile home park. The septic tanks are too small and are not adequate to use now. The plant would be placed on the rear of his property. A hole on the back of the land will be used in conjunction with the plant as a holding pond. He has 16 of the 20 spaces allowed and septic tanks are not permitted. Conditional use was granted to him for this purpose in 1960. A plan was submitted for the plant.

There was no opposition.

A motion was made by Toney Smith, seconded by Mr. Marcum, and unanimously carried to approve the application.

24. D. W. Rausch, request for a special exception in an A-2 zone for privately owned recreational facilities on the following described property: $W\frac{1}{2}$ of $SW\frac{1}{4}$ of $SW\frac{1}{4}$ (less N 250 ft. and less S 30 ft.) Sec. 33, T 24 S., R 31 E, which is located S/s Clapp Sims and Duda Rd., 1/2 mile east of St. Rd. 15.

(Tract area: 20 acres. District No. 4)

The applicant was not present or represented.

A motion was made by Charles Marcum, seconded by Steven Stans, and ~~unanimously carried to table the application until April 6, 1972.~~

25. ~~XXXXXXXXXX~~, request for a special exception in an A-2 zone for privately owned recreational facilities such as 1/3 mile ~~oval race track~~, rodeos, circuses, etc. on the following described property: $E\frac{1}{2}$ of $SW\frac{1}{4}$ of $SW\frac{1}{4}$ Sec. 26, T 22 S., R 32 E.; AND $NE\frac{1}{4}$ of $SW\frac{1}{4}$ of $NW\frac{1}{4}$ AND $E\frac{1}{2}$ of $NW\frac{1}{4}$ of $NW\frac{1}{4}$ Sec. 35, T 22 S., R 32 E., which is located approx. 5/10 mile west of Intersection of E. Hiway 50 and St. Rd. 520 Cloverleaf and 700 ft. S of E. Hiway 50.

(Tract size: 40 acres. District No. 5)

A plan was submitted with the application. Mr. John Bennett represented the applicant and said Mr. Bell wants to operate a race track. They are surrounded by a drag strip and a mini-drag strip. Mr. Bennett said they plan a 1,000 seat bleacher (steel structure with wooden benches). They will have an ambulance and two technicians on duty at all times during the races. He said they have no access problem. All health department regulations would be met.

Stock car races would be held on Friday nights and the track will be paved. Mr. Bennett said they do not plan to hold any "rock festivals" but they do want

to have other types of entertainment such as rodeos, circuses, country music shows such as the Grand Old Opry, etc. Mr. Smart told Mr. Bennett that he was concerned about the "etc." uses requested in the application in that this left the types of entertainment to be presented in too vague a category. He felt that, if granted, the special exception should specify what type of uses would be allowed.

Mr. Harry Bell, the applicant, was present and stated that he had already thought of the health department requirements and would work these out satisfactorily.

Protection of the spectators was discussed and Mr. Bennett said they would have to meet all the insurance requirements before they could obtain coverage.

There was no opposition.

A motion was made by Steven Stans, seconded by Charles Marcum, and

requirements with a dead area of 10 ft. in back of the guard rail and then, another fence ten ft. high (called a wheel fence).

TABLED ITEMS

Tabled from January 6, 1972

1. Hal L. Curry, Trustee, request for a special exception in an R-1AA zone to install sewage treatment plant on property located 700 ft. E and 4/10 mile S of Reams Rd. and Ficquette Rd. (Tract area: 6 acres. District No. 3)

In that application No. 2 of the meeting of March 2, 1972, was approved, this tabled request became unnecessary. A motion was made by Steven Stans, seconded by Charles Marcum, and unanimously carried to deny this application.

Tabled from February 3, 1972

9. Max Mogul, request for a variance in R-1A zone to allow paved off-street parking for a building which is to be placed on the property immediately south of the property in question. This parking lot would be surrounded by masonry wall or hedge and is located W/s of Aldrich Avenue, 100 ft. N of Lee Road. (Tract size: 72x150. District No. 5)

This application was tabled in February in order to ask for a study by the Planning Department. Mr. Smart announced that the land use study would be completed later in March and suggested that this be re-tabled. A motion was made by Toney Smith, seconded by Steven Stans, and unanimously carried to re-table the application until April 6, 1972.

move in and take care of his grandmother in the other mobile home. He is in the process of purchasing an additional acre of land.

Mr. Elde asked Mr. Hale if the approval was made contingent upon the additional property would he accept that. Mr. Hale stated that would be fine with him as he is purchasing the additional property. He further stated that he would like to put the mobile home on the back of the property they now have.

Mr. Smart inquired if he wants the mobile home permanently or temporarily. Mr. Hale stated that he would like it permanently as it would be his sister-in-law's residence. Mrs. Stern inquired if she could live with his grandmother. Mr. Hale stated that he did not think so.

Mrs. L. Flint, Route 2, Box 166, Orlando, Florida, spoke in favor of this request and stated that she is the applicant's sister-in-law and she would like to move her mobile home on the property. She is retiring this year and she would like to look after his grandmother.

A motion was made by James Panico, seconded by Bud Elde and unanimously carried to approve the request in that the Board made the finding that the requirements of Sec. 13, Para. C, Item 7, Chapter 63-1716, Special Acts, Laws of Florida have been met.

20. **ORANGE COUNTY BOARD OF ZONING ADJUSTMENT**, request in A-2 zone to determine whether Special Exceptions originally approved as follows should be rescinded or modified:

1. Vehicular speed test strip (drag strip) (May 8, 1965)
2. Privately owned recreational facilities such as 1/3 mile oval race track, rodeos, circuses, etc. (March 2, 1972) on the following described property:
 $\frac{W}{2}$ of $\frac{SW}{4}$ of $\frac{SW}{4}$ AND $\frac{E}{4}$ of $\frac{SW}{4}$ of $\frac{SW}{4}$ Sec. 26, T 22 S, R 32 E, AND $\frac{W}{2}$ of $\frac{NW}{4}$ (less $\frac{SE}{4}$ of $\frac{SW}{4}$ of $\frac{NW}{4}$), Sec. 35, T 22 S, R 32 E, together with easement for ingress and egress over N 60 ft. of $\frac{SE}{4}$ of $\frac{SW}{4}$, West of Rd., Sec. 26, T 22 S, R 32 E, which is located West dead end of easement, 800 ft. West of E. Hwy 50, 5/10 mile Northerly of intersection of E. Hwy 50 and St. Rd. 420.
 ($\frac{SW}{4}$ of $\frac{SW}{4}$ 26-22-32 Tract Size: 100 Ac. District #5)
 $\frac{NW}{4}$ 35-22-32

Mr. Smart stated that hearings #20 and #21 were called for by the Board of County Commissioners to see if original approvals should be rescinded or modified. A petition was submitted (Exhibit #1) in objection to the noise of Speed World's drag strip and oval track with approximately 80 signatures.

Mr. Billy Herndon, Route 4, Box 161, Orlando, Florida, spoke and stated he is the owner of the facility. He then showed the Board a photograph of the original construction of the facility (he retained). There was no objection to the original request and it was widely received. The second request for the oval track was in 1972 and there was no objection to that either. He tries to be a good neighbor.

He tries to limit the hours of operation because of energy and other things. During the first round of this particular sport one-half of the cars are eliminated. At the last part of the race there are usually only a few cars left.

Mr. Elde asked Mr. Herndon how late the facility stays open. Mr. Herndon stated they try to be finished by 11:00 P.M. but sometimes they are open later than that. It is operated basically on weekends and not during the week. Mr. Elde stated that what he is doing now he has done for the past twelve years. Mr. Herndon stated that is correct. There has been vandalism at the tracks in the past. Two teenagers caused approximately \$2,000 worth of destruction. The parents asked not to press charges and he did not. Their signatures are on the petition. The facility is used approximately two days a week but he needs the flexibility in case they need it during the week.

Mr. Herndon stated that in the past the neighbors were allowed in free of charge and he feels that the Department Manager last year did not honor this agreement. He wants to present a high class facility and it should be something that the citizens of Orange County could be proud of.

Mr. Panico inquired about the noise. Mr. Herndon stated that it is near the highway which is also noisy. There are trees around the facility that abate the noise. Mr. Panico then inquired about the hours of operation. Mr. Herndon stated that if it rains they must stay late because the race must be concluded as people travel from far away to be in these races. The facility is open as early as 9:00 A.M. and closes sometimes as late as midnight. These events are limited and he feels they should be able to grow with the sport. When the facility was built there were no neighbors. The facility is in Orange County and the neighbors to the West are in Bithlo. Mr. Panico inquired as to the time they start.

Mr. Herndon stated approximately 6:00 A.M. on the weekends as sometimes they have a three day major event. Mrs. Stern inquired as to the time they start other than the three day events. Mr. Herndon stated that the time is set by the National Hot Rod Association.

Mr. Panico asked if anything could be done to abate the noise. Mr. Herndon stated through the manufacturers and suppliers of equipment there are rules of the body which they are governed by. He must comply with these rules. The facility is used nine to ten months out of the year.

Mr. Panico asked Mr. Herndon if he has any control as to the time the races start. Mr. Herndon stated that the hours are always reasonable. Mr. Panico stated that when this was originally contemplated he doubts they anticipated a 24 hour operation. Mr. Herndon stated that the sport is growing but he is not saying they would conduct a 24 hour race. Mr. Panico asked when the races will start. Mr. Herndon stated that it will start January 21, 1978 and that the gates will open at 5:30 A.M. and should finish by 10:30 P.M. but if it rains they need the flexibility to finish the race.

Mr. Gary Atwood, Route 4, Box 101A, Orlando, Florida, spoke in regard to this request and stated that he has lived in his area for 9½ years and he is opposed to the noise and the hours of operation. He is not here in any other capacity. Mr. Panico inquired about the noise problems. Mr. Atwood stated it is very bad.

Mrs. Edwards, 11620 E. Colonial Drive, Orlando, Florida, spoke in regard to this request and stated that there are a number of mobile home parks in that area with a number of senior citizens. For some events there are spectator's cars backed up to Bithlo and there is trouble getting in and out. Late at night the noise is bad. The noise sometimes goes on until 2:00 A.M.

Mr. Smart referred his next question to Mr. Atwood and stated that Mr. Atwood started the petition and it mentions the drag strip and the oval tract. He wanted to know if the irregular shaped track was referred to. Mr. Atwood stated that it is hard to say as all the noise is coming towards him.

Mr. John Dolan, 973 N. Belvedere Road, Bithlo, Florida, spoke in opposition to this request and stated he has been there 52 years and they do not have a voice in government. In 1971 he complained but was told he had no say in the matter. He was told this by the County Commissioners. He wants to get along with his neighbor.

In 1970 the facility was used one night a week; now it has gone to three or four nights and their hours have lengthened. He stated he is talking about 750 residents and some consideration should be given to that. They should adhere to the rules and regulations. Mr. Panico stated that there were no rules and regulations at the time this was granted.

Mr. Dolan stated that when this request was made the only populated side was the Westerly side and they were told they could not speak. Mr. Elde stated that Bithlo was populated when the race track went in. Mr. Smart stated that anyone abutting the property was notified. Mr. Elde stated that Mr. Herndon stated that there were no homes or mobile homes in the area at that time. Mr. Dolan stated that in 1970 there were approximately 100 people in the Bithlo Ranch Estates.

Mr. Elde asked Mr. Atwood if he was there in 1965. Mr. Atwood stated that he bought his property in 1965 and moved in 1968 and he was not notified in 1972. Mr. Dolan stated that if you lived within the City limits of Bithlo you did not get notified.

Mr. Panico suggested continuing this request until February 2, 1978 for legal opinion and to give the Board members an opportunity to experience the problem themselves.

Mrs. Scott, Route 6, Box 969BB, Bithlo, Florida, spoke in favor of this request and stated that she lives close to the race tracks and they are not open very late.

Mr. Carl Wiselinger, Moser Drive, Orlando, Florida, spoke in favor of this request and stated he has put on races and promoted them. He intends to be the Manager of Orlando Speed World. He could get 1155 names who are all local participants of this facility.

A motion was made by James Panico, seconded by Bud Elde and unanimously carried to continue the request until February 2, 1978.

CONTINUED
FROM JAN. 5,
1978

20. ~~ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS, REQUEST TO DETERMINE~~
determine whether Special Exception originally approved as follows
should be ~~reconsidered or modified~~:
1. Vehicular speed test strip (drag strip) (May 8, 1965)
 2. Privately owned recreational facilities such as 1/3 mile oval race track, rodeos, circuses, etc. (March 2, 1972) on property which is located West dead end of easement, 800 ft. West of E. Hwy 50, 5/10 mile Northerly of intersection of E. Hwy 50 and St. Rd. 420.
(SW 1/4 of SW 1/4 26-22-32 Tract Size: 100 Ac. District #5)
NW 1/4 35-22-32

John Dolan, 973 N. Belvedere Road, Bithlo, Florida, a petitioner, spoke and stated the opposition stands as it did last month. Mr. Atwood could not be here today. He felt that since the petition had already been submitted he has put forth all the opposition that he could and that is why he is not here today as well as the others. Mr. Panico stated that the feelings were that the use of the drag strip early in the morning and late at night is the problem and the traffic. Mr. Dolan stated that he is not all that familiar with the traffic.

Mr. Dolan stated that last month Mr. Herndon was very vague. The thought of the owners was that they could not comply if the weather was adverse. There were no objections in 1965 or 1972 because the taxpayers of Bithlo did not have a voice for the last 52 years. They were on the Northerly and Westerly sides and they were in Bithlo.

Mr. Smart stated that in 1972 the application was for an oval track only. It was East of the drag strip so they did not get notified because they did not abut the property.

Mr. Dolan stated that he is approximately 1 1/2 miles from the property. Windows have to be closed and the air conditioning has to be used to avoid the noise. He then referred to Mr. Herndon speaking to endurance races. Mr. Dolan stated that Mr. Herndon would not have spoken about this if he did not have this in mind. Mr. Elde stated that he understood that there are eliminations, therefore, some contestants may not even be able to participate. They run two against two and then the winner runs the next race. That is why he could not nail down a particular time to close.

Mrs. Francis Dickson, a petitioner, spoke and stated that 80 percent of the petitioners are property owners in Bithlo. She lives two miles West of the drag strip. She had intentions of buying property in that

immediate area but felt the noise would be intolerable. The noise is bad two miles away and something should be done about it.

Mr. Carl Andra, Seaford Avenue, Lake Louise Estates, Florida, spoke in opposition to this request and stated that he lives three miles away from the track. The opposition brought in a petition with 80 signatures against this. He suggested that this should be tabled so the community can receive some input on the matter. Mr. Smart stated that there will be no re-scheduling. The petitioners had sufficient time to do something. The matter needs to be resolved and moved on to the Board of County Commissioners. Mr. Andra stated that the entire community has not been involved in this and he is sure they do not have knowledge of this hearing. Mr. Panico stated that this is the second meeting and there has been sufficient time to circulate the information.

Mrs. Stern asked Mr. Smart if the trees help cut down the noise. Mr. Smart stated that he did not know.

Mr. Billy Herndon, Route 4, Box 161, Orlando, Florida, spoke concerning this request and stated his original zoning petition was publicized widely. Posters were put around the property. It was advertised in the local sports paper. He feels he has lived up to his part. He then showed pictures to the Board of the subject property (he retained). The area is low density. It appears that the people opposing this request live two and three miles away from the track. Mr. Dolan lives close to East Highway 50 and there is much noise generated from that road. None of the immediate neighbors appeared or signed the petition. The track has been in operation for approximately 13 years. He is the oldest, continuous operator in the state of Florida. He has operated races for 20 years. His vested rights should be preserved. They are responsible people. The facility is very clean and maintained properly.

Mr. Panico asked Mr. Herndon about the noise. Mr. Herndon stated that it is not a problem. Highway 50 makes much noise. He does not see how anyone miles away can hear the noise of the track over the highway.

Mrs. Stern inquired about the number of cars running at one time. Mr. Herndon stated that two run at a time. The race starts at 8:30 A.M. and approximately 15 to 20 minutes later one-half of the field

is eliminated. Sometimes if the weather is bad they need the additional time to finish the race. If it rains all weekend then the race is postponed. Mr. Ward inquired about meets during the week. Mr. Herndon stated there have been none for the last three years. They race on Friday night and Saturday night. There are some special events on Sunday afternoons.

Mr. Ward asked how many times they had to operate past 11:00 P.M. Mr. Herndon stated approximately six times, if that many. Mr. Panico asked if they ever had to run past midnight. Mr. Herndon stated approximately two or three times. It costs him money when the races run late.

Mr. Ward inquired if the facility was leased now. Mr. Herndon stated that it opens February 12, 1978 and he is taking it back himself. Mr. Panico asked how the operation has changed since 1965. Mr. Herndon stated it has not changed at all. Mr. Panico asked how it has changed since 1972. Mr. Herndon stated that they have the additional facility. Mr. Panico asked Mr. Herndon if he feels the noise level or the use of the property has changed. Mr. Herndon stated that it has not changed. They are sanctioned by the National Hot Rod Association. Mr. Panico asked if he had any suggestions to cutting down the noise level. Mr. Herndon stated that he does not. He is planning on putting up a hedge and he has planted 14 oak trees. Mrs. Stern inquired about shrubbery. Mr. Herndon stated that he is contemplating this and that they are responsible people running the facility. He cannot satisfy all the people. He just asked the Board to consider his vested rights and the participants of this sport. He gets along fine with his immediate neighbors.

Mr. Carl Weisinger, 2113 Moser Drive, Orlando, Florida, spoke in favor of this request and stated he is the race director of the facility. He has had 16 years experience. He has seen babies asleep in their parents arms so he cannot see how they can hear the noise two and three miles away. He recognizes the complaint the people have but he feels it is exaggerated. The facility needs the flexibility of hours to operate sufficiently.

Mr. Earl Taylor, spoke in favor of this request and stated he is Chief of the Fire Department. An ambulance is on standby at a race and records are kept as they must collect money for being there. The ambulance has returned at an average of 12:30 A.M. On the oval track, the ambulance has been back at an average of 11:30 P.M.

Mr. Taylor further stated that if someone is running in the race from out of state and they only have one lap to finish and you have to tell them to come back next weekend, you had better have the police handy. Concerning the petition, the person that has been there the longest is Mr. Atwood who started the petition. His property was recorded 11-26-68 which is three years after the track was there. If the people do not like the noise out there, why are they continuing to buy and expand. Out of the petition 22 are registered voters and 30 are property owners. Mr. Ward asked out of the 30 property owners what the average length of time is. Mr. Taylor stated that the oldest is Mr. Atwood and there is one person who bought property in 1973 and went back in 1975 and bought more property. Most of the people bought property in 1973 and 1974. All of these people knew the drag strip was in the area. There is a brick wall in the back of the drag strip. If someone knows something is there, why move in and then complain later. These people knew the drag strip was there.

Mrs. Stern stated that by the same token what about the people who own property there. Mr. Taylor stated that Mr. Carrigan owns and has sold property there. Mr. Carrigan sent out a registered letter and told people he will buy the property back if they don't want the land.

Mrs. Francis Dickson spoke in rebuttal to this and stated that Mr. Taylor made much effort to find out about the people who opposed them. Those statistics are not very accurate. The cars sound like jets.

In discussion, Mrs. Austin stated that she would like to speak in regard to the request. Her son and his friends go to this facility and it is a family type facility. They do good things for the kids which keeps them off the streets. Mr. Elde stated that he concurs with Mrs. Austin. Mrs. Austin stated that it is a safe place. These young people are going to drag and she feels it is a good place for

them to go and do this at a given place together.

Mr. Panico stated that there are two questions in his mind. One is whether this operation has changed since the special exception was granted and the other question is if the noise level is depriving the property owners of their privacy. Mr. Ward stated that he wondered how many people who signed the petition are actually adjoining property owners. Mrs. Stern asked if Pollution Control can help with the noise. Mr. Adams stated that Pollution Control proposed a noise ordinance recently which the Board of County Commissioners decided not to adopt. The people can bring up a nuisance complaint. They can have a civil liability against this facility for the noise.

Mr. Panico stated that he is concerned about the legalities involved at this time. He stated he would like to have a closed session for five minutes and felt that there are valid arguments on both sides. Mr. Adams stated that it can be given in writing but it must be an open session. Mrs. Austin stated that the drag strip was there first and the people came after the fact. Mr. Adams stated that is called "after the nuisance". Mr. Panico stated that there was no one to notify in Bithio in the beginning and he is concerned about the legality of granting this. Mr. Panico stated that if this is approved he does not want any property owner to say this is conducive to any civil action against noise. He does not want this finding to be construed as any determination as to whether or not the property is creating a nuisance or not.

A motion was made by James Panico, seconded by Bud Elde and unanimously carried.

March 8, 1966 and March 2, 1972 and denied the same.

A motion was made by Bud Elde, seconded by James Panico and unanimously carried to approve the minutes of January 5, 1978.

There being no further business at hand, the meeting was adjourned:

ATTEST:

Lorraine M. Kitchens
Lorraine M. Kitchens
Recording Secretary

Mary Lou Stern
Mary Lou Stern
Chair

MINUTES OF
JAN. 5, 1978

ADJOURN

Alteration
of
Shoreline
PermitLake Mary
JaneRobert L.
Stolz

Notice was given that the Board of County Commissioners would hold a public hearing for the purpose of hearing those for or against the application of Robert L. Stolz to dredge canal at Lake Mary Jane, on property described as follows:

Lots 20 and 21, Section 25, Township 24, Range 31,
Isle of Pines, Plat Book U., Page 97, Public
Records of Orange County, Florida

A public hearing was held and Tom Hastings, Public Works Director reviewed the staff recommendations.

Abutting property owner Magdaline Croy addressed the Board and asked questions regarding what was proposed by the applicant.

Upon a motion by Commissioner Meidig, seconded by Commissioner Carter and carried, with all Commissioners present and voting AYE, the Board approved the issuance of an after-the-fact Shoreline Alteration Permit to Robert L. Stolz with the following stipulations:

1. Refill said canal with spoil and return the shoreline to its original configuration. This should be done to within ten (10) feet of the end of the existing dock. The cleared area waterward (west) of this point can be maintained for access and boat storage. Any spoil remaining, after said canal is refilled should be removed and disposed of on uplands. After removal the spoil storage area should be allowed to revegetate.
2. If needed, rip-rap or other suitable material may be used to stabilize the lakeward bank created by refilling said canal.
3. The refilled portion of the canal (30 feet x 90 feet x 3 feet) may be maintained free of vegetation for a beach or access.
4. Water quality criteria for Class III A waters shall be maintained in Lake Mary Jane during the project. Additionally, this project should be completed within six (6) months of the issuance of this permit.

Orange
County
Homeowners
Association

Resolution

A Resolution from the Orange County Homeowners Association, representing sixteen Resident Homeowners Associations and over five thousand homeowners, was submitted to the Board requesting that the proposed budget increase be adopted in order that the level of essential services be maintained in Orange County.

Board of
Zoning
Adjustment

B. Herndon

Bithlo
Speedway

The Board of County Commissioners continued an appeal by Garold E. Atwood from a 1978 decision of the Board of Zoning Adjustment regarding a petition to amend an existing Special Exception granted B. Herndon Bithlo Speedway near Bithlo, Florida, for rezoning under Code Ordinance 9, 1978.

Zoning Director Lou Masterson gave a report on events leading up to this hearing and a Petition was submitted by area residents.

The following people addressed the Board complaining about the noise and spoke in favor of the appeal to rescind or modify the Special Exception granted:

Norman Albert
John Dolan
Bruce Wartz
Warner Neeff
Gerald Atwood

A tape recording was played to the Board which purported to have been taped from Mr. Albert's home.

No one appeared on behalf of the owners of the Bithlo Speedway.

Upon a motion by Commissioner Treadway, seconded by Commissioner Marston and carried, with all Commissioners present and voting AYE, the Board found that the

[REDACTED] had become a detriment to the health, safety and welfare of the general public, had an adverse impact on the [REDACTED] and therefore, withdrew the original [REDACTED] as follows:

1. No restrictions imposed on rodeo and circus use.
2. With regard to race track activity:
 - a. Reorient sound direction of public address systems away from residential areas.
 - b. Hours of track activity, including Public Address Systems, to be from 6 p.m. to 11 p.m. Monday thru Friday, with engine noise to cease within ten minutes after the 11 p.m. time limit.
 - c. Hours of track activity to be from 1 p.m. to 11 p.m. on Saturday and Sunday.
 - d. Jet car racing and special events are limited to afternoon hours.
 - e. Security and control shall be exercised over spectators to insure orderly conduct and to insure the area is vacated immediately after the 11 p.m. time limit.
 - f. Orange County Pollution Control Department to provide periodic noise decibel monitoring during races to insure the sound is reduced to acceptable levels according to Orange County and/or EPA recommendations.
 - g. Compliance with track activity hours as listed in b. and c. above, within two (2) weeks from September 1, 1981.
 - h. Compliance with balance of approval modifications within ninety (90) days from September 1, 1981.
3. No rock concerts.
4. No overnight camping by race participants, including crews.
5. No repairing or preparing of race cars except during approved track activity hours specified in 2 b. and c. aforementioned.

Preliminary
Subdivision
Plan

Lake Butler
Estates
Master Plan

The Board of County Commissioners continued a public hearing held on August 18,

C. Sat + Sun

D. Drag Strip → afternoon hrs only

4. No overnight camping

independent consultant and authority on this matter. Testing would probably continue through next week and the results of the tests would be presented to the Board as soon as possible.

Upon a motion by Commissioner Treadway, seconded by Commissioner Marston and carried, with all present Commissioners voting AYE, Commissioner Heidig was absent, the Board authorized waiver of the competitive bid process, approved negotiations on the various structural and metallurgical tests required for a complete structural analyses of the design of the building, further, if necessary authorized testing of all welded joint areas in the Civic Center structure; and further, approval of the hiring of Dr. John Fisher, Professional Civil Engineer, as a special consultant to the County on this problem.

Zohm

BA
B
Treadway

Bill Herndon

S. P.H.

Upon a motion by Commissioner Treadway, seconded by Commissioner Carter and carried, with all present Commissioners voting AYE, Commissioner Heidig was absent, [REDACTED]

at 2:00 p.m. to consider Special Exceptions granted B. Herndon for Bithlo Speedway; further, the Board rescinded its motion of September 1, 1981, modifying the original conditions of approval for Bithlo Speedway.

Comptroller

Upon a motion by Commissioner Carter, seconded by Commissioner Treadway and carried, with all present Commissioners voting AYE, Commissioner Heidig was absent, the Board approved the Comptroller's Consent Agenda requests as follows:

Administrative/Fiscal

- (1) Request for Action #228 - Approved budgeted transfers to Transportation Trust Fund 102 as follows:

TO: Road & Bridge Operating Subsidy	102-5-381103-000-0-7	\$733,813
FROM: Federal Revenue Sharing	103-6-91010-910-0-1	733,813
	6-00647-910-0-4	
TO: Transportation Trust Fund	102-5-381205-000-0-0	469,445
FROM: Gas Tax Revenue Bond Sinking Fund	205-6-91010-910-0-8	469,445
	6-00756-910-0-3	

- (2) Request for Action #229 - Approved payment of invoices totalling \$9,176.64 in connection with the issuance of \$5,455,000 Capital Improvement Revenue Bond Anticipation Notes.

Clerk to the Board of County Commissioners

- (1) Approved minutes of the following Board of County Commissioners meetings: August 20 and 25, 1981.
- (2) Approved application for two Duplicate Tax Certificates as follows:

John W. or Ruth Morrison
#2274 Amount: \$6,215.62 Year: 1981
#1343 Amount: 364.50 Year: 1981

- (3) Approved the filing of Public Official Bonds for:

Mirian Reid - Members of the Board of Trustees, West
Jerry A. Kennedy - Orange Memorial Hospital Taxing District

Upon a motion by Commissioner Carter, seconded by Commissioner Marston and carried, with all present Commissioners voting AYE, Commissioner Arthur was absent, the Board overruled the decision of the Planning and Zoning Commission and approved a public hearing before the Planning and Zoning Commission as requested by John and Shirley Sorenson and A. Ross Evans for Change in Zoning Classification from R-1A to R-2 on property previously described.

Public Works Public Works Director Tom Hastings informed the Board that the aerials used by
Aerial Map County staff were very out dated. He stated that the Department of Transportation
Purchase will provide aerials of 1,000 square miles to the county at a cost of \$20,000.
DOT Upon a motion by Commissioner Marston, seconded by Commissioner Carter and carried, with all present Commissioners voting AYE, Commissioner Arthur was absent, the Board authorized the purchase of aerial maps from the Department of Transportation as stated above, with funding coordinated with the County Administrator.

Zoning Notice was given that the Board of County Commissioners of Orange County would hold
Hearings a public hearing to consider the [REDACTED]
BA [REDACTED]
OC Board of Adjustment, item #35 (Bithlo Speedworld) in A-2 zone to determine if Special
Zoning Exceptions originally approved as follows should be rescinded or modified:
Adjustment
Bithlo
Speedworld

1. Vehicular speed test strip (drag strip) (May 8, 1965).
2. Privately owned recreational facilities such as 1/3 mile oval race track, rodeos, circuses, etc. (Mar. 2, 1972).

on the following described property:

W $\frac{1}{2}$ of SW $\frac{1}{4}$ of SWP and E $\frac{1}{2}$ of SW $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 26, T 22 S,
 R 32 E,
 AND
 W $\frac{1}{2}$ of NW $\frac{1}{4}$ (less SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of NW $\frac{1}{4}$) Sec. 35, T 22 S,
 R 32 E, together with easement for ingress and egress
 over N 60 ft. of SE $\frac{1}{4}$ of SW $\frac{1}{4}$, West of Rd., Sec. 26, T
 22 S, R 32 E, which is located West dead-end easement, 800 ft.
 West of East Hiway 50, 5/10 mile Northerly of intersection
 of East Hiway 50 and St. Rd. 470.

A public hearing was held and Zoning Director Lou Masterson reviewed the facts and recommendations and located subject property on an aerial map.

Ms. Masterson noted that a court reporter was present and Deputy Clerk Mary Jo Garrison read the Notice of Appeal into the record.

The following people spoke in favor of the Special Exception being granted:

Attorney Roger Kelly, Fishback, Davis, Dominick & Bennett,
 representing owner of the facility.
 Mr. McGregor
 Billy Herndon
 Earl Taylor
 Buck Winscom
 Steven Durgan, 8832 Mescalero Street, Orlando

The following people spoke in opposition to Special Exception being granted:

Attorney Ken Wright, representing homeowners in the area
 Norman Albert
 John Dollen

The following items were submitted to the Board and marked exhibits as follows:

Aerial Photo of Area - Exhibit 1
 Summary Report - Exhibit 2
 Trade Brochure - Exhibit 3
 Photos of Activities - Exhibit 4
 Petition in Opposition - Exhibit 5
 Petition in Favor - Exhibit 6

Upon a motion by Commissioner Treadway, seconded by Commissioner Harston and carried, with all present Commissioners voting AYE, Commissioner Arthur was absent, the

[REDACTED]
 [REDACTED]
 [REDACTED]
 (Bithin Speedworld) approved on May 8, 1965, March 2, 1977 and February 1978
 [REDACTED]
 [REDACTED]

Zoning Appeal Notice was given that the Board of County Commissioners would sit as a Board of
 P&Z Appeal to hear those in favor or opposed to the actions of the Planning and Zoning
 Review Commission under the date of August 20, 1981, P&Z Review #16, on the application of
 Mission Properties for public hearing for Change in Zoning Classification from R-1A to C-1 on the following described property:

All of Block C, (less N 30 ft. for R/W) and vacant street on E and N $\frac{1}{2}$ of vacated street on S, Harlem Park, as recorded in Plat Book 0, Page 132, Public Records of Orange County, Florida, which is located Southeast corner Georgann Street and Goldenrod Road (St. Rd. 15-A), or 3975 Goldenrod Road.

Assistant

A public hearing was held and Zoning Director Sharon Smith reviewed the facts and recommendations and located subject property on an aerial map.

No one appeared in favor or in opposition.

Upon a motion by Commissioner Treadway, seconded by Commissioner Neidig and carried, with all present Commissioners voting AYE, Commissioner Arthur was absent, the Board upheld the decision of the Planning and Zoning Commission and denied the request of Mission Properties for public hearing for Change in Zoning Classification from R-1A to C-1 on property described above.

Zoning Appeal Notice was given that the Board of County Commissioners would sit as a Board of
 P&Z Appeal to hear those for or against the actions of the Planning and Zoning
 Review Commission under the date of August 20, 1981, P&Z Review #12, on the application of
 John Murphy & John V. Murphy and Associates, Incorporated for public hearing for Change in Zoning
 Assoc., Inc. Classification from C-1 to C-2 on the following described property:

W 250 ft. of E 335 ft. of N 400 ft. of S 435 ft. of Lot 28, (less rds. on E and S), McKay Land Co., Sub., as recorded in P.B. F, Page 48 and 49, Public Records of Orange County, Florida, which is located North side Oakridge Road, 5/10 mile West of Texas Avenue.