

PROPOSED  
ORDINANCE NO. 48-20

ORDINANCE NO. 36-20

AN ORDINANCE  
TO BE ENTITLED:

AN ORDINANCE CREATING SECTION 6-3-21 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; RESTRICTING DEVELOPMENT AT HITZMAN-OPTIMIST PARK; PROVIDING DEFINITIONS; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Hitzman-Optimist Park (the "Park"), located at 3221 Langley Avenue, is a city owned and maintained recreational facility that is open for public use and is accessible for people for all ages and abilities, with amenities not limited to but including athletic fields, restroom facilities, playground equipment, a disc golf course, and a walking path; and

WHEREAS, the City of Pensacola is committed to providing privacy and enjoyment to neighbors of the Park by means of natural foliage and ensuring protection to the existing wooded areas of the Park; and

WHEREAS, the City Council and City of Pensacola finds that it is in the public interest to endorse a limitation declaration that will prohibit the future development of parking lots, playing fields, or other improvements in the currently wooded area of the Park, once the current park renovations are complete.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:**

SECTION 1. Section 6-3-21 of the Code of the City of Pensacola, Florida, is hereby created to read as follows:

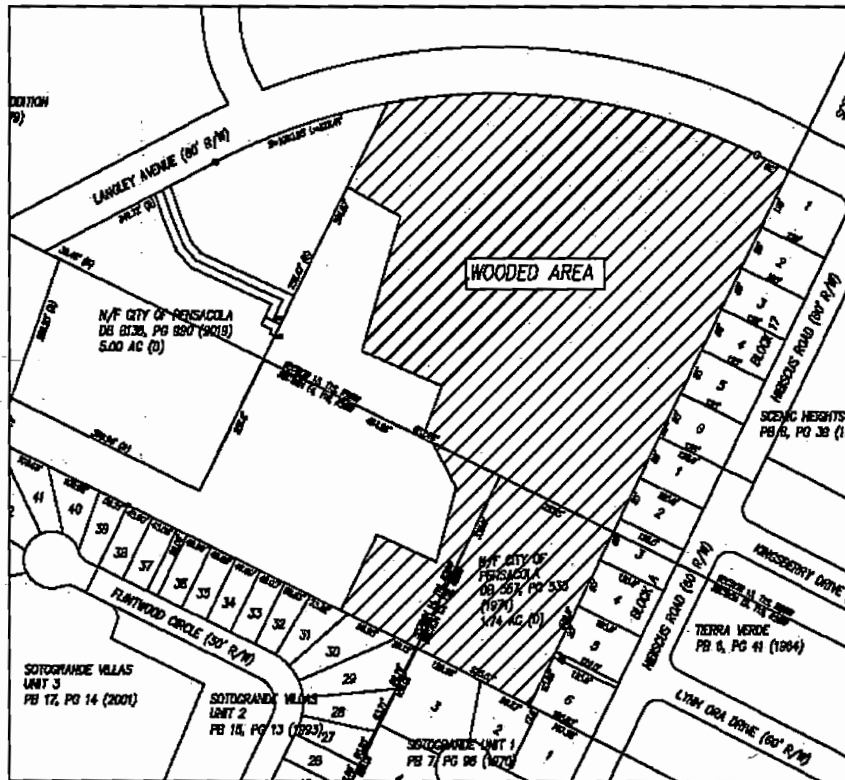
SECTION 6-3-21. Hitzman-Optimist Park Development.

1. Definitions.

(a) arborist means an arborist that has been certified by the International Society of Arboriculture (ISA).

(b) park means the parcels comprising Hitzman-Optimist Park.

(c) wooded area means the shaded area designated as "wooded area" in the following illustration:



## 2. Restrictions on the wooded area.

(a) Audit. There shall be a moratorium in the wooded area at the park on the removal of trees that are a minimum of 3 inches DBH (Diameter Breast Height) until there is an audit during 2021 of the existing trees in the wooded area, which shall include the species of the tree and the DBH of the tree. The audit shall serve as a baseline for the preservation of trees within the park. The audit shall be provided to the city council and kept in the records of the parks and recreation director. Beginning in calendar year 2027 and every five years thereafter, a tree inventory of the wooded area shall be conducted during or between May through September and provided to city council. For calendar years during which no audit occurs, the parks and recreation director shall provide to city council during the summer a reconciliation of trees, including location, species, and reason for placement or removal, added and removed from the park during the months since the last reconciliation or audit report was created.

(b) Restrictions. There shall be no encroachment into the wooded area created by the construction of additional athletic fields or other development within the park. Trees shall only be removed for the reasons stated in this section unless an exception applies or approval of the city council is obtained.

(c) Exceptions. No tree shall be removed from the wooded area without notice to the parks and recreation board with the exception of trees that pose a probable

risk to persons or property as verified by an arborist. If a tree poses an imminent risk to persons or property, then the City may take immediate action without verification by an arborist or approval by city council. Upon removal of any trees within these exceptions, notice shall be sent to the parks and recreation board and to city council.

(d) Maintenance. Maintenance, such as pruning, in the wooded area of any heritage tree or protected tree as defined by section 12-6-2 and section 12-6-6, respectively, shall be conducted in a manner approved by an arborist. Maintenance of trees that are not protected and not heritage trees will be pruned pursuant to ISA standards, ANSI A300 standards, or other current industry standards for prevention or elimination of insects, disease, and decay and to establish healthy growth patterns. If a branch or other part of a tree poses an imminent threat to persons or property, then the City may take immediate action without approval by an arborist or city council.

SECTION 2. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provision or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. This ordinance shall take effect on the fifth business day after adoption, unless otherwise provided, pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Adopted: December 10, 2020

Approved: *Jared Moore*  
President of City Council

Attest:

*Chickie L. Burnett*  
City Clerk

CITY CLERKS OFFICE - LEGAL ADS  
 222 W MAIN ST

PENSACOLA, FL 32502

Published Daily-Pensacola, Escambia County, FL

**PROOF OF PUBLICATION**

State of Florida  
 County of Escambia:

Before the undersigned authority personally appeared said legal clerk, who on oath says that he or she is a Legal Advertising Representative of the **Pensacola News Journal**, a daily newspaper published in Escambia County, Florida that the attached copy of advertisement, being a Legal Ad in the matter of

**NOTICE OF PROPOSED ORDINA**

as published in said newspaper in the issue(s) of:

**11/30/20**

Affiant further says that the said **Pensacola News Journal** is a newspaper in said Escambia County, Florida and that the said newspaper has heretofore been continuously published in said Escambia County, Florida, and has been entered as second class matter at the Post Office in said Escambia County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or coporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 30th of November 2020, by legal clerk who is personally known to me

Affiant

*[Signature]*  
 \_\_\_\_\_  
 Notary Public State of Wisconsin, County of Brown  
 9/19/21

My commission expires

# of Affidavits 1

Publication Cost: \$330.66  
 Ad No: 0004476057  
 Customer No: PNJ-25615500

This is not an invoice

**VICKY FELTY**  
 Notary Public  
 State of Wisconsin

**NOTICE OF PROPOSED ORDINANCES**

Please be advised that Proposed Ordinances Nos. 45-20, 46-20, and 48-20 were presented to the City Council of the City of Pensacola for first reading on Thursday, November 12, 2020 and will be presented for final reading and adoption on Thursday, December 10, 2020 at 5:30 p.m., in Council Chambers on the first floor of City Hall, 222 West Main Street, Pensacola, Florida.

Members of the public may attend the meeting in person; however, due to COVID-19 there will be limited seating capacity. Consistent with CDC guidelines, attendees will be required to sit at least 6 feet apart and to wear face coverings that cover their nose and mouth.

Members of the public may also attend and participate or via live stream and/or phone as follows:

To watch the meeting live visit: [cityofpensacola.com/428/Live-Meeting-Video](http://cityofpensacola.com/428/Live-Meeting-Video).  
 To provide input:

• For Leroy Boyd Forum, for items not on the agenda: citizens may submit an online form here <https://www.cityofpensacola.com/cinput> beginning at 3:00 P.M. until 5:30 P.M. only to indicate they wish to speak during Leroy Boyd Forum and include a phone number. Staff will call the person at the appropriate time so the citizen can directly address the City Council using a telephone held up to a microphone.

• For agenda items, proposed ordinance items: citizens may submit an online form here <https://www.cityofpensacola.com/cinput> beginning at 3:00 P.M. until that agenda item has been voted upon to indicate they wish to speak to a specific item on the agenda and include a phone number. Staff will call the person at the appropriate time so the citizen can directly address the City Council using a telephone held up to a microphone. Any form received after an agenda item has been voted upon will not be considered.

(The title(s) of the proposed ordinance(s) are as follows:

P.O. #45-20:

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN AND FUTURE LAND USE MAP OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE. (4406 North Davis Highway (Split Designation Commercial and Low-Density Residential to Entirely Commercial))

P.O. #46-20:

AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY PURSUANT TO AND CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY OF PENSACOLA; AMENDING THE ZONING MAP OF THE CITY OF PENSACOLA; REPEALING CLAUSE AND EFFECTIVE DATE. (4406 North Davis Highway (Split Zoned C-1 Retail Commercial and R-1AAA Single Family Residential to Entirely C-1 Retail Commercial))

P.O. #48-20:

AN ORDINANCE CREATING SECTION 6-3-21 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; RESTRICTING DEVELOPMENT AT HITZMAN-OPTIMIST PARK; PROVIDING DEFINITIONS; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE

A copy of proposed ordinances may be inspected by the public by calling the City Clerk's office to request a copy, or on-line with the agenda package on the City's website: <https://pensacola.legistar.com/Calendar.aspx>. Interested parties may be physically present at the meeting to participate (as indicated above) or may attend and participate via live stream and/or phone as (as indicated above) and be heard with respect to the proposed ordinances.

If any person decides to appeal any decision made with respect to any matter considered at this meeting or public hearing, such person may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and any evidence upon which the appeal is to be based.

The City of Pensacola adheres to the Americans with Disabilities Act and will make reasonable accommodations for access to city services, programs, and activities. Please call 435-1606 (or TDD 435-1666) for further information. Requests must be made at least 48 hours in advance of the event in order to allow the City time to provide the requested services.

CITY OF PENSACOLA, FLORIDA  
 By: Ericka L. Burnett, City Clerk

Visit [www.cityofpensacola.com](http://www.cityofpensacola.com) to learn more about City activities. Council agendas posted on-line before meetings.

Legal No. 4476057

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11/20/2020