

PROPOSED  
ORDINANCE NO. 48-20

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE  
TO BE ENTITLED:

AN ORDINANCE CREATING SECTION 6-3-21 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING THE INTENT; PROVIDING FOR DEFINITIONS; PROVIDING RESTRICTIONS ON THE WOODED AREA; 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 and/or playing fields in the currently wooded areas 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:

1. Intent.

In order to preserve Hitzman-Optimist Park's value to the City of Pensacola and its citizens, as well as to continue to provide privacy and natural beauty to neighbors, the city council finds it is appropriate to restrict future development of the currently wooded areas of the park.

2. Definitions.

(a) *wooded area* means the shaded area designated as "wooded area" in the image attached to this ordinance as Exhibit "A."

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

3. Restrictions on the wooded area.

There shall be no encroachment into the wooded area created by the construction of additional athletic fields or other development within the park. Maintenance within the park will continue to include upkeep of the foliage within the wooded area in order to ensure safety preparedness by removal of harmful underbrush or dead trees and limbs for the general safety of the public and in preparation for or as a result of natural emergencies such as hurricanes and fires.

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: \_\_\_\_\_

Approved: \_\_\_\_\_  
President of City Council

Attest:

\_\_\_\_\_  
City Clerk