

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; 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:

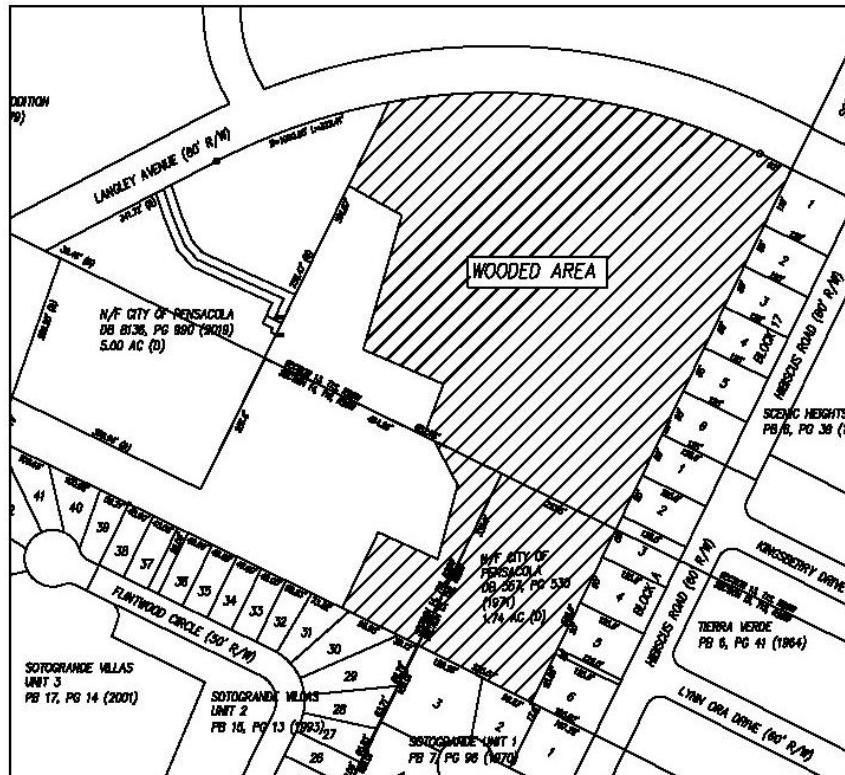
SECTION 6-3-21. Hitzman-Optimist Park Development.

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: _____

Approved: _____

President of City Council

Attest:

City Clerk