

PROPOSED
ORDINANCE NO. 28-22 -

ORDINANCE NO. 20-22

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE CREATING SECTION 6-3-22 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; RESTRICTING DEVELOPMENT AT BAARS PARK; PROVIDING THE INTENT; PROVIDING FOR DEFINITIONS; PROVIDING RESTRICTIONS ON THE WOODED AREA; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Baars Park (the "Park"), located at 4340 N. 12th Avenue, is a city owned and maintained recreational facility that is open for public use and is accessible for people of all ages and abilities; and

WHEREAS, the City of Pensacola is committed to providing protection for the watershed, mature trees, natural features, and water quality 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 the parking lot or other improvements in the currently wooded area of the Park.

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

SECTION 1. Section 6-3-22 of the Code of the City of Pensacola, Florida, is hereby created to read as follows:

Sec. 6-3-22. Baars Park Development

(a) Definitions.

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

Photograph means a full-color digital image captured by any type of digital camera with a resolution of at least 8 megapixels.

Park means the parcel comprising Baars Park.

The entire Park is designated as a "wooded area" in the following illustration:



(b) Restrictions on the wooded area.

(1) Audit. There shall be a moratorium in the wooded area at the Park on the removal of trees that are a minimum of three inches DBH (Diameter Breast Height) until there is an audit during 2022 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 the 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 the city council. For calendar years during which no audit occurs, the parks and recreation director shall provide to the 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.

(2) Restrictions. There shall be no encroachment into the wooded area created by the construction of additional 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.

(3) Exceptions. No tree shall be removed from the wooded area without notice to the parks and recreation board except 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 the city council. Upon removing any trees within these exceptions, notice shall be sent to the parks and recreation board and city council. The removal of any tree(s), as authorized by this section, must be photographed before removal, showing multiple views of the full tree(s) being removed. In the case of a tree(s) being removed for probable risk and/or imminent risk to persons or property, photographs must evidence the condition considered a probable risk and/or imminent risk to persons or property. Photographs must accompany the notice sent to the parks and recreation board and city council, as required by this section.

(4) 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 and reported to the parks and recreation board and city council. The maintenance of any heritage tree or protected tree as defined by section 12-6-2 and section 12-6-6, respectively, must be photographed before pruning, showing multiple views of the full tree(s) being pruned. 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 preventing or eliminating insects, disease, and decay and establishing healthy growth patterns. In the case of trees being pruned to prevent or eliminate insects, disease, and decay and to establish healthy growth patterns, trees that are not protected and not heritage trees, require photographic evidence of the insects, disease, and decay. 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. However, the city is required to report to the parks and recreation board and city council, photographs evidencing the part(s) of the tree that posed the threat. As required by this section, photographs must accompany a report sent to the parks and recreation board and city council detailing the maintenance taken by the city.

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: July 21, 2022

Approved: s/Ann Hill
President of City Council

Attest:

s/Ericka L. Burnett
City Clerk