

Sec. 6-200. - Botanical garden.

- (a) There is hereby established the Key West Botanical Garden, located on 12.35 acres at 5210 College Road, Key West.
- (b) The botanical garden shall be operated under lease on a not-for-profit basis. In the event the city of Key West shall determine to sell or otherwise convey the property underlying the botanical garden, the purchaser shall operate the garden consistent with grants obtained by the city for the initial purchase of the "Botanical Garden Addition." Revenues generated from the botanical garden shall be invested in the continued operation, maintenance and development of the garden.
- (c) The prohibition of section 18-87(a) of the Code of Ordinances shall not apply to the sale, possession or drinking of alcoholic beverages upon the premises of the botanical garden. This exception shall apply during special events only.
- (d) The responsibilities of the Key West Tree Commission with respect to the botanical garden, as set forth in chapter 110 of the Code of Ordinances, are hereby delegated to a committee that shall serve as a liaison between the tree commission and the botanical garden operator. The committee shall make all permitting decisions with regard to botanical garden applications for planting, transplanting and removal of trees. The committee shall be established and defined in the lease between the city and the operator of the botanical garden.
- (e) Notwithstanding subsection (d), the operator of the botanical garden remains subject to the regulations for the management and maintenance of its trees and vegetation, as set forth in chapter 110 and other applicable regulations of the City of Key West. At a minimum, the operator shall employ the arboricultural standards described in chapter 110 of the Code of Ordinances.
- (f) The botanical garden shall be open to the public. The operator of the garden shall establish hours of operation that balance public access with the protection of the vegetation.

(Ord. No. 06-11, § 2, 6-6-2006)