



Residential Hen Permit Application

Permit Number: _____

*** Two (2) Sets of Site Plan Required ***

Community Development Dept. | 9220 Bonita Beach Road, Suite 111 | Bonita Springs, FL 34135 | Phone: 239 444 6150 | Fax: 239 444 6140

- A. Name of Permit Holder: _____
- B. Permit Address (where coop will reside):
- a. Street: _____
- b. Zip Code: _____
- c. STRAP Number: ____ - ____ - ____ - B ____ - _____ . _____
- C. Phone Number: _____
- D. E-mail: _____
- E. Name of Property Owner (if different than applicant): _____

A Letter of Determination at a fee of \$50 will be required before one can participate in the backyard hen program. This program is limited to 25 households. Only the first 25 completed applications will be accepted and are subject to the following conditions:

- Site Plan approval and a Letter of Determination shall be obtained from the City prior to the keeping of hens. Do not start construction without site plan approval or you may have to move your coop.
- Up to four (4) hens are allowed at a single family or duplex residence. Townhome, multi-family or similar units are prohibited from keeping hens.
- Roosters are prohibited.
- Hens must be contained within a covered, sturdy and secured coop area at all times. Chicken tractors are permitted. It is unlawful for any person to allow hens to run at large.
- The coop must be located in the rear yard and set back at least 20-feet from any abutting residence (under separate ownership) and meet the accessory structure setbacks within each residential zone.
- Coops must be kept clean, in good repair, dry and free of vermin and noticeable odors. Stored feed must be secured to prevent pests.
- Manure must be managed, removed and disposed of in such a way that it does not cause pollution or environmental harm of any kind.
- Coops less than twelve (12) square feet do not require a building permit. Anything larger will require an accessory structure permit and may require removal upon cessation of pilot program.
- The sale of eggs or chicken products is prohibited.
- The slaughtering of hens is prohibited.
- If program is to discontinue, or households drop out or the permit is revoked, the applicants are responsible for finding appropriate homes for the hens.

Many Home Owner Association (HOA) bylaws do not allow poultry of any kind including hens. Applicants should check their HOA bylaws to confirm that hens are not prohibited. City approval does not override an HOA's approval. Applicants must demonstrate HOA approval.

REQUIRED SUBMITTAL ITEMS:

- ✓ Site Plan (including coop type and dimensions)
- ✓ Method of hen identification
- ✓ HOA Authorization Letter (if applicable)

PROPERTY OWNER'S SWORN STATEMENT

This application demonstrates interest in participating in the backyard hen program per City of Bonita Springs Ordinance No. 15-06. I have read and understand the backyard hen program application and I hereby certify that all conditions will be continually met, and that I, or my lessee, will abide by all restrictions, administrative rules, applicable City Codes and ordinances.

PERMIT REVOCATION: Failure to comply with the above statement will result in the revocation of the permit and possible further action including fines.

Signature: _____	Date: _____
Printed Name: _____	
STATE OF FLORIDA, COUNTY OF LEE	
Sworn to (or affirmed) and subscribed before me this ____ day of _____, 20__, by _____ (printed name of person making statement).	
Personally Known: ____ OR Produced Identification: ____ Type Produced: _____	
_____	_____
(Notary Seal)	(Signature of Notary Public – State of Florida)
_____	_____
(Notary Seal)	(Name of Notary Printed, Typed, or Stamped)

HOME OWNER ASSOCIATION (HOA) AUTHORIZATION LETTER TEMPLATE

The _____ (HOA) of _____
(community) has reviewed _____ (applicant name) request to participate in the
Backyard Hen Program per Ordinance No. 15-06 on _____ (date). The application and site
plan for the pilot program has been approved by the board and is attached to this letter.

Signature

Date

Hens Pilot Program Spanish Translation

Se requerirá una Carta de Determinación a un precio de \$50.00 antes de poder participar en el patio trasero de gallina programa. Este programa está limitado a 25 hogares. Sólo los primeros 25 solicitudes completas serán aceptado y están sujetos a las siguientes condiciones:

Aprobación Plan de sitio y una Carta de Determinación se obtendrán de la ciudad antes de la cría de gallinas. No iniciar la construcción sin la aprobación del plan de sitio o puede que tenga que mover el gallinero.

Hasta cuatro (4) gallinas están permitidos en una sola familia o residencia dúplex. Casa de pueblo, multifamiliares o similar unidades se prohíbe a los de gallinas.

Se prohíben los gallos.

Las gallinas deben estar contenidos dentro de un área cubierta tonel, robusto y seguro en todo momento. Tractores de pollo son permitidos. Es ilegal para cualquier persona para permitir que las gallinas se ejecuten en general.

La cooperativa debe estar ubicado en el patio trasero y un retroceso de al menos 20 pies de cualquier residencia colindante (Bajo propiedad separada) y cumplir con los reverses estructura accesoria dentro de cada zona residencial.

Las cooperativas deben mantenerse limpios, en buen estado, secas y libres de parásitos y olores perceptibles. Mosto de alimentos almacenados ser asegurado para evitar las plagas.

El estiércol debe ser gestionado, extraer y eliminar de una manera tal que no causa contaminación o daño ambiental de cualquier tipo.

Las cooperativas de menos de doce (12) pies cuadrados no requieren un permiso de construcción. Cualquier cosa más grande requerirá una accesorio permiso de estructura y puede requerir la extirpación tras el cese del programa piloto.

Se prohíbe la venta de huevos o productos de pollo.

Se prohíbe el sacrificio de gallinas.

Si el programa es descontinuar, o abandonan los hogares o el permiso es revocado, los solicitantes son responsable de encontrar viviendas adecuadas para las gallinas.

Muchos estatutos Inicio asociación de propietarios (HOA) no permiten que las aves de corral de cualquier tipo, incluyendo gallinas.

Los solicitantes deben revisar sus estatutos HOA para confirmar que las gallinas no están prohibidas. Aprobación de la ciudad no anula la aprobación de una Asociación de Propietarios. Los solicitantes deben demostrar su aprobación HOA.

**CITY OF BONITA SPRINGS, FLORIDA
ORDINANCE NO. 15-06**

**THE CITY OF BONITA SPRINGS BACKYARD HEN ORDINANCE;
CREATING AN ORDINANCE TO ALLOW A LIMITED NUMBER OF HENS
ON RESIDENTIAL PROPERTY; PROVIDING A PERMIT PROCESS;
REVOCAION, TRANSFER, AND ENFORCEMENT; PROVIDING FOR
CONFLICT, INCLUSION IN CODE, SEVERABILITY, AND PROVIDING
FOR AN EFFECTIVE DATE.**

WHEREAS, the City Council is the governing body in and for the City of Bonita Springs, a municipal corporation in the State of Florida; and

WHEREAS, City Council on December 5, 2012 adopted a two year pilot program to allow backyard hens on residential property; and

WHEREAS, on December 17, 2014, City Council adopted Resolution No. 14-60 to extend the pilot program until such time an ordinance is adopted to codify the ordinance into its Code of Ordinances.

THE CITY OF BONITA SPRINGS HEREBY ORDAINS:

Section One: Purpose

The City of Bonita Springs allows a limited number of permits for “backyard hens” that are kept in the backyards of single family or duplex residential units under certain conditions. At any time, only 25 households within the City of Bonita Springs may be permitted for backyard hens.

Section Two: Letter of Determination for Backyard Hens

The City Manager or designee will review and approve applicants utilizing the Letter of Determination process at a fee of \$50.00, where applicants are selected based on meeting specific criteria contained in the Backyard Hens Permit approved by this Ordinance.

1. Residents must apply for a Letter of Determination to allow hens in backyard coops.
2. Community Development will issue a Letter of Determination, subject to Section Three of this ordinance.

Section Three: Permit Requirements

1. Applicants of single family or duplex dwellings within the City of Bonita Springs may apply for a Letter of Determination by submitting an application, a site plan indicating proposed coop location, and preliminary plans for the covered coop to the Community Development Department. Community Development has the final

authority to approve or deny permit a permit. A staff representative will review the application and perform a site visit, prior to permit approval.

2. Up to four (4) hens are allowed at a single family or duplex residence.
3. No sale of eggs or chicken products. Eggs should be consumed by household.
4. Roosters are prohibited.
5. Townhome, multi-family and similar units are prohibited from keeping hens.
6. Hens must be contained within a covered chicken coop and fenced pen area. The coop and fenced pen area must be located in the rear half of the residential lot behind the principal structure. It shall be unlawful for any person to allow hens to run at large upon the streets, alleys or other public places of the City, or upon the property of any other person.
7. The coop and fenced pen area shall be setback 20-feet from any adjacent residential principal structure or accessory structure that contains a residential unit which is off the subject property (unless the adjacent neighbor agrees in writing to a lesser setback or a waiver of these requirements), and meets the zoning districts setbacks for accessory structures for the subject property.
8. The coop and pen area must be kept in a clean sanitary manner, free of insects and rodents, offensive odors (odor must be undetectable at property line), excessive noise, or any other condition which could potentially cause a nuisance (i.e. the coop should be cleaned frequently). The coop shall be visually screened from view by the adjoining parcel (e.g., plants, fencing or placed so it is out of sight). Stored feed must be secured in metal containers to prevent mice and other pests.
9. No slaughtering of the hens is allowed on the subject site.
10. As long as the coop is movable or prefabricated, and 12 square feet or less, no building permit is required. Stationary or affixed coops larger than 12 square feet will require an accessory structure building permit, a condition of which may be required to be removed upon ceasing to keep an active permit for over six months.
11. If a resident decides not to continue with their permit, if the permit is revoked pursuant to section four, or the ordinance is repealed, the resident is responsible for finding appropriate homes for the hens.
12. If the ordinance is repealed, the City will mail notices to each active permit holder advising that they will need to relocate their hens, providing them at least sixty (60) days' notice from the adoption of any ordinance repealing the Backyard Hens Permit.

Section Four: Revocation and Transfer of Permits

1. *Revocation*: A permit may be revoked by the city for the following reasons:
 - a. *Inactivity*: If a permit holder fails to obtain hens within six months of obtaining the permit.
 - b. *Inactivity*: If a permit holder discontinues maintaining hens for a six month period.
 - c. If, after notice and reasonable time in which the grounds for revocation may be corrected, the resident fails to comply with any of the standards in this Ordinance, any condition of approval, or the diagram or plans.
 - d. Revocation may also occur if there are more than three separate complaints occurring in a 90 day period arising from the backyard hens, such as loud noise at night, offensive smells, or roaming at large.
 - e. If revoked, neither the resident nor anyone else on the same premises may reapply for a period for 12 months from the date of revocation. All hens must be removed from the property during any time the permit is revoked.
2. *Transfer*. A permit issued pursuant to this section shall not be transferred to a subsequent property owner. Any subsequent property owner will be required to reapply for a permit pursuant to this section if the subsequent property owner wants backyard hens.
3. *Priority Status*: Any active permit holder who relocates to a new location may apply for a backyard hen permit with a priority status of not having to be waitlisted behind property owners who do not currently have a permit. The reason is to allow continuity of ownership for existing hens in Bonita Springs.
4. *Property owner withdrawal of consent*. The property owner may withdraw its consent to the permit at any time by submitting a letter instructing the city to cancel the permit. The letter must include evidence that the permit holder received notice of this withdrawal and the cancel date for the permit. The property owner may reinstate consent within 30 days from the cancel date, otherwise, a new permit application must be submitted to accommodate backyard hens.

Section Five: Enforcement.

Community Development will refer cases to the City's code enforcement department when a person maintain hens on their property without a permit or violates the provisions of this ordinance. Any person who violates any section of this ordinance or fails to comply with any of its requirements may be prosecuted through code enforcement. The code enforcement officers may, in addition, or alternatively, to pursuing criminal penalties or seeking injunctive relief, bring violations before the code enforcement hearing examiner, in accordance with all of the provisions of, and pursuant to, the enforcement procedures established under section 2-107 et seq. Each separate occurrence of a violation of this article shall constitute a separate violation, and shall be punishable as such.

Section Six: Conflict

In the event that any provision in this Ordinance is found to be contrary to any other existing City Ordinance covering the same subject matter, then in said event the more restrictive shall apply.

Section Seven: Severability

The provisions of this Ordinance are severable and it is the intention to confer the whole or any part of the powers herein provided for. If any of the provisions of this Ordinance shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any remaining provisions of this Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been adopted had such unconstitutional provision not been included therein.

Section Eight: Inclusion in Code

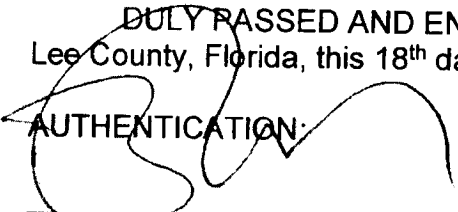
It is the intent of the City Council that the provisions of this Ordinance shall become and be made a part of the City of Bonita Springs Code and that sections of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions and regardless of whether such inclusion in the Code is accomplished. Sections of this Ordinance may be renumbered or relettered and the correction of typographical errors which do not affect the intent may be authorized by the City Manager or his or her designee, without need of Public Hearing, by filing a corrected or recodified copy of same with the Clerk of the Circuit Court.

Section Nine: Effective Date

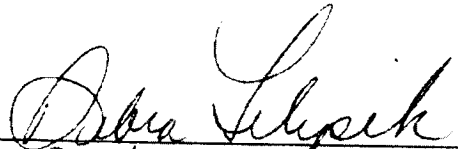
The effective date of this ordinance shall be thirty (30) days from its adoption date.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 18th day of March, 2015.

AUTHENTICATION:

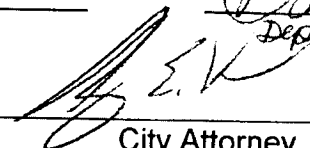


Mayor



Deputy City Clerk

APPROVED AS TO FORM:



City Attorney

Vote:

Nelson	Aye	Simmons	Aye
McIntosh	Aye	Gibson	Aye
Martin	Aye	Lonkart	Aye
Slachta	Aye		

Date filed with City Clerk: 3/19/15