

ORDINANCE NO.: 2026-

AN ORDINANCE AMENDING APPENDIX A, ARTICLE V, SECTION 4 OF THE HERNANDO COUNTY CODE, RELATING TO THE CONDITIONAL USE PERMITS ALLOWABLE WITH ADMINISTRATIVE OFFICIAL APPROVAL AND BACKYARD CHICKENS; AMENDING THE TYPES OF ALLOWABLE BIRDS PERMITTED; AMENDING THE NUMBER OF BIRDS PERMITTED BY PARCEL SIZE; AMENDING THE COOP STRUCTURE SIZE THAT REQUIRES A BUILDING PERMIT; PROVIDING FOR NO MINIMUM LOT SIZE ALLOWED; PROVIDING FOR NO TIME PERIOD FOR THE LENGTH OF TIME A PERMIT IS ISSUED; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY

16 COMMISSIONERS OF HERNANDO COUNTY:

Section 1. Amendment of Hernando County Conditional Use Permits Allowable

18 with Administrative Official Approval. Hernando County Code Appendix A, Article V § 4

19 Subsection C(3) is hereby amended to read as follows:

C. Conditional use permits allowable with administrative official approval:

21 ...

(3) Backyard chickens/ducks may be permitted in any residential district, excluding multifamily districts. All permits shall be subject to the following restrictions:

24 (a) The number of ~~chickens~~ birds shall be limited to ~~no more than four (4) birds~~
25 ~~chickens~~ and/or ~~no~~ ducks, ~~No~~ geese, turkeys, peafowl, male chickens/roosters,
26 or any other poultry or fowl shall be ~~are~~ allowed. The number of birds shall be
27 limited by parcel size as follows:

Four (4) birds for parcels smaller than 6,000 square feet

Eight (8) birds for parcels up to 10,000 square feet

Twelve (12) birds for all parcels over 10,000 square feet

Residential PDP/Planned Development District shall be permitted at the same rate; however, the ordinance is not intended to preempt Homeowners Association Restrictions or from enforcing stricter guidelines.

- (b) Chickens/ducks shall be kept in an enclosed area with a coop that provides for the free movement of chickens/ducks, and are not permitted to be free range. The coop must have a roof, and be completely secured from predators, including all openings, ventilation holes, doors and gates. No more than one (1) coop allowed per permitted parcel.
- (c) If the coop structure exceeds one hundred and twenty (100) (120) square feet (ten (10) x ten (10) twelve (12) feet), a building permit shall be required pursuant to the Florida Building Code.
- (d) ~~The minimum lot size shall be ten thousand (10,000) square feet.~~
- (e) The chicken/duck coop shall be kept in the rear yard and must not be visible from adjoining properties or the street. Fence construction shall meet standards pursuant to the fence ordinance and shall be permitted separately. The chicken/duck coop shall be situated a minimum of twenty-five (25) feet from the nearest neighbor's residence and at least five (5) feet from all property lines.
- (f) Persons wishing to have chickens in residential districts shall be subject to a compliance inspection after permit issuance. Accessibility and allowable entry shall be required for such inspection.
- (g) The coop shall provide a minimum of three (3) square feet per chicken/ducks and be of sufficient size to permit free movement of the chickens/ducks. The coop may not be taller than six (6) feet measured from the natural grade. The coop must be easily accessible for cleaning and maintenance.
- (h) The coop and surrounding area shall be kept clean, sanitary and odor free at all times.
- (i) Chickens/Ducks shall not be permitted to create a nuisance consisting of odor, noise or pests, or contribute to any other nuisance condition.
- (j) All stored feed must be kept in a rodent- and predator-proof container.
- (k) The chickens/ducks shall be for personal use only, and there shall be no sales of products from the residence, and the breeding of chickens for commercial purposes shall not be allowed.

(k) (4) In a public health emergency declared by the county health department, including, but not limited to, an outbreak of Avian flu or West Nile virus, the county may require immediate corrective action in accordance with applicable public health regulations and procedures.

(l) (m) Notwithstanding the issuance of a permit by the county, private restrictions on the use of property shall remain enforceable and take precedence over a permit. Private restrictions include, but are not limited to, deed restrictions, condominium master deed restrictions, neighborhood association by-laws, and deed covenants. A permit issued to a person whose property is subject to private restrictions that prohibit the keeping of chickens and large animals is void. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.

(n) ~~The permit may be issued for a maximum time period of up to five (5) years by the approving authority.~~

(m) (4) Failure to comply with these standards, or any other standards imposed by the conditional use permit shall result in the permit being revoked by the administrative official.

Section 2. Severability. It is declared to be the intent of the Board of County Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this ordinance.

Section 3. Inclusion in the Code. It is the intention of the Board of County Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the sections of this Ordinance may be renumbered or relettered to accomplish this intention, and that the word "ordinance" may be changed to "section," "article," or any other appropriate designation.

1 **Section 4. Conflicting Provisions Repealed.** All ordinances or parts of ordinances in

2 conflict with the provisions of this ordinance are hereby repealed.

3 **Section 5. Effective Date.** This ordinance shall take effect immediately upon receipt of

4 official acknowledgment from the office of the Secretary of State of Florida that this ordinance

5 has been filed with said office.

6 **BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF**

7 **HERNANDO COUNTY** in Regular Session this _____ day of _____ 2026.

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10 **BOARD OF COUNTY COMMISSIONERS**
11 **HERNANDO COUNTY, FLORIDA**

12 Attest: _____

13 **Douglas A. Chorvat, Jr.**
14 **Clerk of Circuit Court & Comptroller**

15 By: _____

16 **Jerry Campbell**
17 **Chairman**

18 Approved for Form and Legal Sufficiency

19
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21 *Natasha López Perez*
22 County Attorney's Office