

**SCOTT COUNTY FISCAL COURT
ORDINANCE NO. 26 - 06**

AN ORDINANCE AMENDING THE SUBDIVISION AND DEVELOPMENT REGULATIONS IN SCOTT COUNTY AND THE GEORGETOWN-SCOTT COUNTY ZONING ORDINANCE REGARDING CLUSTER SUBDIVISIONS

WHEREAS, the Georgetown-Scott County Planning Commission conducted a properly advertised public hearing on April 9, 2026, during which the Planning Commission received staff recommendations, heard public comment, and recommended adoption of the following amendments to the Subdivision and Development Regulations in Scott County and the Georgetown-Scott County Zoning Ordinance regarding Cluster Subdivisions; and

WHEREAS, the Scott County Fiscal Court agrees with the recommendation of the Planning Commission; and

WHEREAS, pursuant to KRS 67.083(k), the fiscal court shall have the power to carry out governmental functions necessary for the operation of the county by enacting ordinances in performance planning, zoning, and subdivision control according to the provisions of KRS Chapter 100;

NOW, THEREFORE, BE IT ORDAINED BY THE SCOTT COUNTY FISCAL COURT:

SECTION ONE

Article II of the Subdivision and Development Regulations, entitled "Definitions," is hereby amended to add a definition of "American Association of State Highway and Transportation Officials (AASHTO)," "Institute of Transportation Engineers (ITE)," "Traffic Impact Study (TIS)," and "Kentucky Revised Statute (KRS)," and to amend the definitions of "Agricultural or Horticultural Use" and "Cluster Subdivision," to be codified consistent with the numbering system and formatting of the Subdivision and Development Regulations and to read as follows:

**ARTICLE II
DEFINITIONS**

American Association of State Highway and Transportation Officials (AASHTO): A nonprofit association that represents highway and transportation departments across the nation and serves as a liaison between State departments of transportation and the Federal government.

Agricultural or Horticultural Use: For the purpose of this regulation, Agricultural and Horticultural Use shall be defined as agricultural uses are defined in the Zoning Ordinance, Article II, General Regulations, 2.1 Definitions, 2. Agricultural Uses. That definition, in appropriate part, is as follows:

"Agricultural use means the use of a tract of at least five (5) contiguous acres for the production

~~of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers, or ornamental plants, including provisions for dwellings for persons and their families who are engaged in the above agricultural use on the tract, but not including residential building development for sale or lease to the public.” “Agricultural and Horticultural use” shall have the same definition as “Agricultural Uses” outlined in Article II, Section 2.1 of the Georgetown-Scott County Zoning Ordinance.~~

Cluster Subdivision: ~~A major subdivision of agriculturally-zoned land that separates dwelling lot from agricultural reserve at a ratio of one acre to four acres minimum with a total density not to exceed 1 unit per 5 acres.~~

A major residential subdivision of agriculturally-zoned land creating four (4) or more parcels of land agriculturally-zoned land, that separates residential dwelling lots from preserved agricultural lots with a total density not to exceed 1 residential dwelling unit per 2 acres. Such agricultural preserve must meet or exceed a minimum of fifty (50) percent of the total acreage.

Institute of Transportation Engineers (ITE): Shall refer to the official accredited group of engineers, planners, consultants, and other transportation professionals that monitor national traffic and mobility trends.

Traffic Impact Study (TIS): An assessment conducted by credible or accredited traffic engineers with the purpose of analyzing how new or redeveloped property will affect existing transportation networks.

Kentucky Revised Statute (KRS): Codified statutory laws governing the state of Kentucky.

SECTION TWO

Article X of the Subdivision and Development Regulations, entitled “Site Design Standards for Subdivision and Development,” is hereby amended, to be codified consistent with the numbering system and formatting of the Subdivision and Development Regulations and to read as follows:

1020STER SUBDIVISION

~~A. Cluster development density: one dwelling unit per five acres (1du/5ac).~~

~~B. Lot size: 1.75 minimum, with a maximum of 2.0 acres for all lots on traditional septic fields. Developments with approved public utility septic systems may be approved for a minimum lot size of 0.5 acre. All applications for cluster residential development must receive approval by the Health Department prior to Planning Commission approval of a final plat. Areas devoted to septic treatment for cluster development with approved public utility septic systems or other community septic systems may not be counted as part of any preserved tract.~~

- ~~C. The remaining acreage (i.e., 3.0-4.5 acres per cluster lot/dwelling unit) must be preserved for agriculture or open space. The preserved acreage must be set aside in one lot and must be contiguous with the boundary of the residential lots. A note shall be placed on the Final Plat restricting future subdivision of the reserved area. Non-contiguous property cannot be tethered as preserved acreage.~~
- ~~D. If a property is proposed for both cluster development and 5-acre tract development, each type of development must be reviewed by the Planning Commission as a separate application.~~
- ~~E. The maximum number of cluster lots is based on the acreage of the farm proposed for cluster development. All property associated with a cluster development should be under the ownership of the applicant(s) or under contract to the applicant(s), prior to preliminary approval of the cluster development by the Planning Commission.~~
- ~~F. For cluster developments containing 100 lots or more, accel/decel lanes, turn lanes, and secondary access points will be required [Note: see also Item L-6].~~
- ~~G. Individual lot standards are as follows:~~
- ~~1. Lot size: 0.5 acre minimum, 2.0 acre maximum (outside the floodplain). Lot width: 150' minimum at the building setback line (The lot cannot exceed a 2:1 depth-to-width ratio).~~
 - ~~2. Front Yard Setback: 50'; however, for corner lots (or double frontage lots) the setback along an existing public road = 75' (from edge of pavement).~~
 - ~~3. Rear Yard Setback: 100'; however, for lots that abut any property other than other cluster residential lots, a minimum 50' tree preservation easement must be established adjacent to the common property line, and within the required rear yard setback, where no existing vegetation could be removed/disturbed, unless demonstrated to be sick or dead. The preservation area shall also include required or additional landscaping/buffering as outlined in this Item.~~
 - ~~4. Side Yard Setback: 25' OR 100' if side yard abuts any property other than another cluster lot; in such circumstance, the side yard shall be treated as a rear yard regarding building setbacks and landscape buffers.~~
- ~~H. Environmentally Sensitive Areas may not be included within the cluster lot development, without a variance to increase the allowable lot size by the amount of acreage that is environmentally sensitive; otherwise, those areas must be part of the preserved acreage.~~
- ~~I. All cluster proposals that include more than 30 lots (includes cluster lots and preserved lots) shall submit, for review and approval, a traffic impact study (TIS) per the attached guidelines and procedures. The TIS will be required prior to final plat review and approval of the 30th lot. If it is determined that the parent tract has been prematurely subdivided in order to avoid this requirement, the Planning Commission may require the TIS based on the configuration of the parent tract and any existing lots at the time these regulations were adopted. The required TIS may be waived upon recommendation of the Commission staff,~~

where the road upon which the cluster is proposed is adequate for the anticipated traffic generated by the development. The adequacy of the road will be reviewed based on the carrying capacity of the existing roads based on the ITE Trip Generation Manual, 6th (or latest) Edition and the AASHTO Policy on Geometric Design of Highways and Streets, 1990 (or latest) Edition.

All cluster proposals will be subject to the road improvement policies established in the *Comprehensive Plan—Transportation Element* and subject to the carrying capacity of the existing roads based on the ITE Trip Generation Manual, 6th (or latest) Edition and the AASHTO Policy on Geometric Design of Highways and Streets, 1990 (or latest) Edition.

J. ~~Cluster lots may share a common rear lot line with other cluster lots subject to all Health Department requirements~~

K. ~~Required Landscaping/Buffering: Landscaping and buffering shall be required as follows [Note: existing screening/trees may be used towards these requirements subject to review and approval of the Planning Commission]:~~

- ~~1. Where cluster lots abut any property other than other cluster residential lots (as described in Item I), a minimum 50' tree preservation easement shall be established adjacent to the common property line, and within the required rear yard setback, where no existing vegetation could be removed/disturbed, unless demonstrated to be sick or dead. The preservation area shall also include required or additional landscaping/buffering as determined by the following formula: there shall be a double row of evergreens/deciduous trees on 40' centers and fencing. The ratio of evergreens and deciduous trees shall not exceed 2:1.~~
- ~~2. Where cluster lots abut an existing road, trees shall be required on 30' centers along the existing road frontage of the cluster lots. The ratio of evergreens and deciduous trees shall not exceed 2:1.~~
- ~~3. All proposed landscaping shall exclude any species of trees and shrubs that may be deemed harmful to livestock.~~
- ~~4. Proposed cluster lots may be located adjacent to the public road and existing property lines subject to the Planning Commission review and approval and subject to the landscaping standards in this item.~~

L. ~~Sufficiency of infrastructure:~~

~~New road construction required, as follows (items 1-8 apply to both public and private roads, unless otherwise noted):~~

- ~~1. Pavement width: 20'~~
~~Pavement depth: 8" base (rock); 2" binder; 1" asphalt~~
- ~~2. Shoulders: Public Roads = 6" gravel plus 6' earth shoulders on each side~~
~~Private Roads = 2' gravel shoulders on each side.~~
- ~~3. Ditches & Cross Drains: Both sides of the road must be ditched at a 2:1 slope. Cross drains for driveways and roads (existing or new) are also required (to allow stormwater to flow to the nearest drainage structure).~~
- ~~4. Cul de sacs: Cul de sac geometry shall conform to the requirements contained in Appendix VII. Alternative cul de sac designs may be allowed where approved by~~

the Fire Chief and the Commission Engineer/Planning Director, so long as all lots have sufficient and safe access for emergency vehicles.

5. ~~Turn Lanes/Accel & Decel Lanes: For cluster developments containing 100 lots or more, accel/decel lanes, turn lanes, and secondary access points will be required.~~
 6. ~~Entrance improvements at county/state roads shall include 55' radii at intersections and 100' taper for the new street back to the edge of the public road. For accesses onto a state road, a copy of the approved entrance permit must be submitted prior to final plat review and approval.~~
 7. ~~Stub streets must be provided to adjacent property where future connectivity will enhance the overall development.~~
 8. ~~A note is required on the final plat regarding Scott County's policy on road dedication and acceptance if the roads are to be public; a homeowners' agreement is required for private roads showing ownership and maintenance.~~
- M. ~~Any cluster proposal for mobile homes must be located within 5 minute response time of a fire station and have adequate water pressure for fire protection, including the installation of fire hydrants per Item N.~~
- N. ~~All cluster lots shall have municipal water. In addition, fire hydrants are required to be installed where the appropriate (required) size water lines are present (in order to maximize fire protection).~~
- O. ~~One dwelling credit must remain with the preserved acreage.~~
- P. ~~Fencing: Each cluster development shall be fenced at its edges prior to final plat approval, with #9 diamond mesh wire or equivalent with 16' fencing plank on top, and post spacing 8' on center. A note is required on the final plat regarding this requirement. A note is also required that prospective owners of any property are subject to any requirements of the Kentucky Fence Law (KRS 256.10 et.seq.). The required fence may not be bonded.~~
- Q. ~~Notice of the cluster application is required to be sent to all adjacent property owners by First Class Mail and a sign must be placed on the property. The notices and the sign must contain information regarding the nature of the proposal, date and time of the Planning Commission meeting, location of the Planning Commission meeting, and the Planning Commission's address and phone number where additional information may be obtained. The notices and the sign must be mailed/installed at least 14 days prior to the Planning Commission's meeting, but not more than 21 days. The day of the Planning Commission meeting should be excluded in calculating this number.~~
- R. ~~All applicable standards of the *Subdivision & Development Regulations* will be required, including Erosion Control, Drainage Plans, and Construction Plans.~~
- S. ~~The final plat of the cluster development and reserved property including all required restrictive covenant/deed restrictions, and homeowner's association documents (if applicable), shall note and convey that the acreage reserved for agricultural/open space is~~

~~restricted to its noted use. This covenant shall terminate at such time as the property is annexed into a city and approved by the appropriate legislative body of that city for a zone classification change (rezoning) to an urban use.~~

- ~~T. A note is required on the final plat, "Prospective purchasers of residential lots are placed upon notice that hunting and fishing within accepted safety guidelines and agricultural use and production, including the use of machinery in the normal course of activity, are common and legal practices in the A-1 zone. It is understood that these uses must be expected to occur in and around A-1 developments. These practices, if conducted within accepted safety guidelines, shall not constitute a nuisance within the meaning of KRS 401.500 et.seq. Also see the Kentucky Right to Farm Act".~~
- ~~U. The developer must note on the preliminary and final subdivision plat(s) the types of dwellings (e.g. mobile homes, conventional frame construction, manufactured homes, etc.) which shall be permitted within this development. This requirement shall avoid potential buyer misunderstanding of the consequences of their investment.~~
- ~~V. A note shall be placed on the final plat that the preserved area cannot be further subdivided. Property that is set aside as "preserved acreage," by a recorded plat, cannot be removed from "preserved" status unless the entire cluster development is annexed. A copy of the land use and deed restrictions, including preservation areas must be reviewed and approved by the Planning Commission and recorded with the Scott County Clerk's Office; a note shall be placed on the final subdivision plat indicating the recording reference.~~
- ~~W. Preserved acreage has no Conditional Uses permitted. Those tracts are not eligible for consideration of Conditional Use Permits by the Board of Adjustment.~~
- ~~X. The Planning Commission may require a master plan of the entire farm illustrating overall cluster/rural lot layout, access, internal road system, fencing, landscaping/buffering.~~
- ~~Y. All cluster lots shall have access to internal roads only, no direct access (driveways) onto the existing public road.~~
- ~~Z. Existing stone fences may not be removed or altered except where the proposed road is to be installed, including the required sight triangle. Any portions of a stone fence removed for the above reasons, must be replaced elsewhere on the property.~~
- ~~AA. — All applicants for cluster residential subdivision approval must provide a copy of the soils map for the subject property or a soil certification from the USDA NRCS office prior to Planning Commission review and approval. Soils that are less desirable for agriculture are preferential for cluster lot location as a means of maintaining preserved acreage for agricultural purposes.~~
- ~~BB. — A Homeowner's Agreement is required for cluster proposals. Until such time as Scott County accepts any roads designed to public road standards, the ownership and~~

~~maintenance of the roads, rightof ways, and any drainage structures will be the responsibility of the homeowners.~~

DEFINITIONS/KEY TERMS:

~~AASHTO— American Association of State Highway and Transportation Officials.~~

~~ITE— Institute of Transportation Engineers.~~

~~TIS— Traffic Impact Study.~~

~~KRS— Kentucky Revised Statutes.~~

~~Preserved Area— The 3.0 4.5 acres remaining from each cluster dwelling unit that must be maintained for agricultural use.~~

~~Agricultural Use— as defined in Article II of this ordinance.~~

- A. Cluster development density: Cluster density shall not exceed one dwelling unit per two acres. A cluster development must result in no fewer than four parcels.
- B. Lot size: Cluster developments shall be a maximum of 2.0 acres for all lots outside the preserve acreage. Lots with approved septic systems may be approved for a minimum lot size of 0.5 acre. All applications for cluster residential development must receive approval by the Health Department prior to Planning Commission approval of a final plat. All applicants for cluster residential development with lots proposed smaller than 1.75 acres must receive approval by the Health Department prior to Planning Commission approval of the preliminary plat. Preserved acreage tracts may be no smaller than 25 acres.
- C. The preserved acreage must be no less than 50% of the total development acreage and must be preserved for agriculture or open space. The preserved acreage for the entire cluster subdivision is not required to be contiguous, but must be set aside in increments no less than 25 contiguous acres each. A note shall be placed on the Final Plat restricting future subdivision or development of the reserved area. Non-contiguous property cannot be tethered as preserved acreage.
- D. If a property is proposed for both cluster development and 5-acre tract development, each type of development must be reviewed by the Planning Commission as a separate application.
- E. The final plat for any cluster development must depict the area of all septic system installations as well as a 100% septic repair area. Both septic system installation areas and repair areas must be noted as non-buildable areas on the plat.
- F. The maximum number of cluster lots is based on the acreage of the farm proposed for cluster development. All property associated with a cluster development should be under the ownership of the applicant(s) or under contract to the applicant(s), prior to preliminary approval of the cluster development by the Planning Commission.
- G. For cluster developments containing 100 lots or more, accel/decel lanes, turn lanes, and

secondary access points will be required.

H. Individual lot standards are as follows:

1. Lot size: 0.5 acre minimum, 2.0 acre maximum (outside the floodplain).
2. Lot width: 150' minimum at the building setback line (The lot cannot exceed a 2:1 depth-to-width ratio).
3. Front Yard Setback: Shall be the same as all other residential setbacks in the A1 zone.
4. Rear Yard Setback: 50';
5. Side Yard Setback: 25' OR 50' if side yard abuts any property other than another cluster lot.

I. Environmentally Sensitive Areas may be included in the preserve acreage. These areas may not be included within the any other lots within the development, without a variance to increase the allowable lot size by the amount of acreage that is environmentally sensitive; otherwise, those areas must be part of the preserved acreage.

J. All cluster proposals will be subject to the road improvement policies established in the adopted subdivision regulations and subject to the carrying capacity of the existing roads based on the ITE Trip Generation Manual, 11th (or latest) Edition and the AASHTO Policy on Geometric Design of Highways and Streets, 1990 (or latest) Edition.

K. Cluster lots may share a common rear lot line with other cluster lots subject to all Health Department requirements.

L. Required Landscaping/Buffering & Fencing: All Cluster developments are required to meet relevant requirements of the adopted Landscape & Land Use Buffer Ordinance.

1. Proposed cluster lots may be located adjacent to the public road and existing property lines subject to the Planning Commission review and approval and subject to the landscaping standards in this item.

M. The lot width of preserved acreage tracts shall be no less than 100 feet at the narrowest point.

N. No preserved acreage tracts created through cluster development shall be eligible for agricultural conditional uses as defined in section 4.12 of the *Zoning Ordinance*. Such tracts are not eligible for consideration of Conditional Use Permits by the Board of Adjustment.

O. Preserve acreage may be used for septic systems serving the cluster lots of the development, contingent upon the following:

1. The location of the septic system in the reserve area must be recorded as a non-buildable sewer easement on the final plat.
2. The developer shall increase the acreage of the reserve area in an increment of one acre per every acre utilized by the septic system. Calculation for this requirement

will always be rounded up to the nearest whole number (for example, 0.4 acres of planned septic installation shall require an additional acre of agricultural preserve to be provided).

- P. All cluster lots shall have public water supply. In addition, fire hydrants are required to be installed where the appropriate (required) size water lines are present (in order to maximize fire protection).
- Q. One dwelling credit must remain with the preserved acreage.
- R. Notice of the cluster application is required pursuant to Planning Commission noticing requirements
- S. All applicable standards of the Subdivision & Development Regulations will be required, including Erosion Control, Drainage Plans, and Construction Plans.
- T. The final plat of the cluster development and reserved property including all required restrictive covenant/deed restrictions, and homeowner's association documents (if applicable), shall note and convey that the acreage reserved for agricultural/open space is restricted to its noted use.
- U. A note is required on the final plat, "Prospective purchasers of residential lots are placed upon notice that hunting and fishing within accepted safety guidelines and agricultural use and production, including the use of machinery in the normal course of activity, are common and legal practices in the A-1 zone. It is understood that these uses must be expected to occur in and around A-1 developments. These practices, if conducted within accepted safety guidelines, shall not constitute a nuisance within the meaning of KRS 401.500 et.seq. Also see the Kentucky Right to Farm Act".
- V. The developer may note on the preliminary and final subdivision plat(s) the types of dwellings (e.g. mobile homes, conventional frame construction, manufactured homes, etc.) which shall be permitted within this development. This requirement shall avoid potential buyer misunderstanding of the consequences of their investment.
- W. A note shall be placed on the final plat that the preserved area cannot be further subdivided. Property that is set aside as "preserved acreage," by a recorded plat, cannot be removed from "preserved" status. A copy of the land use and deed restrictions, including preservation areas must be reviewed and approved by the Planning Commission and recorded with the Scott County Clerk's Office; a note shall be placed on the final subdivision plat indicating the recording reference.
- X. The Planning Commission may require a master plan of the entire farm illustrating overall cluster/rural lot layout, access, internal road system, fencing, landscaping/buffering.
- Y. All cluster lots shall have access to internal roads only, no direct access (driveways) onto

the existing public road.

Z. Existing stone fences may not be removed or altered except where the proposed road is to be installed, including the required sight triangle. Any portions of a stone fence removed for the above reasons must be replaced elsewhere on the property.

AA. All applicants for cluster residential subdivision approval are encouraged to provide a copy of the soils map for the subject property or a soil certification from the USDA-NRCS office prior to Planning Commission review and approval. Soils that are less desirable for agriculture are preferential for cluster lot location as a means of maintaining preserved acreage for agricultural purposes.

BB. A Homeowner's Agreement is required for cluster proposals. The Homeowner's Agreement must include language specific to the repair and maintenance of any shared septic infrastructure. Until such time as Scott County accepts any roads designed to public road standards, the ownership and maintenance of the roads, right-of-ways, and any drainage structures will be the responsibility of the homeowners.

SECTION THREE

Article II, Section 2.1 of the Georgetown-Scott County Zoning Ordinance, entitled "Definitions," is hereby amended to amend the definitions of "Agricultural Uses" and "Cluster Subdivision," to be codified consistent with the numbering system and formatting of the Zoning Ordinance and to read as follows:

2.1 DEFINITIONS

AGRICULTURAL USES: Agricultural use means the use of a tract of at least five (5) contiguous acres for the production of agricultural or horticultural crops; including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers or ornamental plants, including provisions for dwellings for persons and their families who are engaged in the above agricultural use on the tract

A. **AGRICULTURAL USE, RESIDENTIAL:** Agricultural residential use means residential use in an ~~A-1~~ agricultural zone, including Cluster subdivision lots. The density of ~~which such uses~~ shall not exceed one dwelling unit per five contiguous acres held under common title and residential cluster development ~~into A-1 zone, in any agricultural zone.~~ This density maximum of 1 du/5 acres shall not apply to rural Cluster Subdivisions.

CLUSTER SUBDIVISION: A major residential subdivision creating four (4) or more parcels of agriculturally-zoned land that separates residential lots from preserved agricultural lots with a total density not to exceed 1 unit per 5 acres 1 residential dwelling unit per 2 acres.

SECTION FOUR

If any section, subsection, paragraph, sentence, clause, phrase, or a portion of this ordinance is

declared illegal or unconstitutional or otherwise invalid, such declaration shall not affect the remaining portions hereof.

SECTION FIVE

In incorporating changes into the Subdivision and Development Regulations and Zoning Ordinance, the Planning Commission is hereby authorized and granted full discretion to make non-substantive revisions as necessary to ensure internal consistency, clarity, and conformity with adopted formatting standards. Such revisions may include but are not limited to renumbering or re-lettering of sections, subsections, paragraphs, or other designations; adjusting indentation, headings, and layout to maintain a consistent structure; Correcting typographical, grammatical, or punctuation errors; and Updating cross-references within the text as required by amendments or reorganizations. These editorial changes shall not alter the substantive meaning or intent of any provision.

SECTION SIX

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

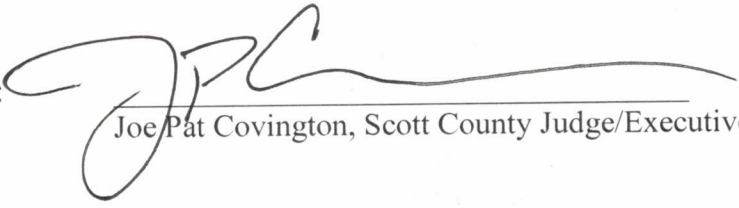
SECTION SEVEN

This Ordinance shall be in full force and effect upon passage and publication.

PUBLICLY INTRODUCED AND READ FIRST TIME: June 25, 2026

PUBLICLY READ SECOND TIME AND PASSED: July 7, 2026

APPROVED:



Joe Pat Covington, Scott County Judge/Executive

ATTEST:

Stacy Hamilton, Scott Fiscal Clerk