

**SCOTT COUNTY FISCAL COURT
ORDINANCE NO. 26 - 05**

AN ORDINANCE PERTAINING TO PRESERVED ACREAGE ON RURAL CLUSTER SUBDIVISIONS

WHEREAS, pursuant to KRS 67.083(h), the fiscal court shall have the power to enact ordinances pertaining to conservation, preservation and enhancement of natural resources including soils, water, air, vegetation, and wildlife; and

WHEREAS, pursuant to KRS 67.083(k), the fiscal court shall have the power to enact ordinances pertaining to planning, zoning, and subdivision control according to the provisions of KRS Chapter 100; and

WHEREAS, the Scott County Fiscal Court is committed to ensuring the long-term preservation of agricultural land, open space, and rural character within Rural Cluster Subdivisions by permanently protecting designated preserve acreage from future subdivision and development.

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

1. **Conservation Easement Required.** As a condition precedent to the approval and recording of any final subdivision plat for a Rural Cluster Subdivision, all preserve acreage shall be permanently protected by a conservation easement. The conservation easement shall: (a) be granted in perpetuity; (b) prohibit further subdivision of the preserve acreage; (c) prohibit residential, commercial, industrial, and other nonagricultural development within the preserve acreage; (d) preserve the land for agricultural production, forestry, natural resource conservation, open space, wildlife habitat, and other compatible rural uses; (e) be required prior to final plat approval; and (f) be recorded in the office of the Scott County Clerk prior to the recording of the final subdivision plat. The conservation easement shall run with the land and shall be binding upon the owner, the owner's heirs, successors, assigns, and all future owners of the preserve acreage in perpetuity. The Scott County Fiscal Court, the holder of the conservation easement, and any other person authorized by the terms of the easement or applicable law shall have the right to enforce the provisions of the conservation easement through any legal or equitable remedy available under Kentucky law.
2. **Maintenance Assurance for Septic Systems Located on Preserve Acreage.** Where any septic system or related appurtenance serving a rural cluster subdivision is proposed to be located within the required preserve acreage, the developer shall establish a maintenance assurance mechanism prior to approval of the final subdivision plat. The maintenance assurance shall consist of a bond or other financial guarantee approved by the Scott County Fiscal Court for the purpose of ensuring the future inspection, maintenance, repair, replacement, pumping, and operation of any septic system or wastewater treatment facilities located within the preserve acreage. The amount of the financial guarantee shall