

RURAL CLUSTER DEVELOPMENT ORDINANCE

Cluster Regulations Analysis

- 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. Preserve acre tracts may be no smaller than 10 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 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 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 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: Shall be the same as all other residential setbacks in the A1 zone.
3. Rear Yard Setback: 50';
4. Side Yard Setback: 25' OR 50' if side yard abuts any property other than another cluster lot.

H. 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.

- I. 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.

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.

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

- K. Required Landscaping/Buffering & Fencing: All Cluster developments are required to meet relevant requirements of the adopted Landscape & Land Use Buffer Ordinance.
- L. 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).
- M. One dwelling credit must remain with the preserved acreage.
- N. Notice of the cluster application is required pursuant to Planning Commission noticing requirements
- O. All applicable standards of the *Subdivision & Development Regulations* will be required, including Erosion Control, Drainage Plans, and Construction Plans.
- P. 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.
- Q. 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".
- R. 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.

- S. 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.
- T. Preserved acreage has no Conditional Uses permitted. Those tracts are not eligible for consideration of Conditional Use Permits by the Board of Adjustment.
- U. 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.
- V. All cluster lots shall have access to internal roads only, no direct access (driveways) onto the existing public road.
- W. 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.
- X. 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.
- Y. 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, right-of-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.

Agricultural Use - as defined in Article II of this ordinance.

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