



THE CALL OF THE PEWEE

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April 2021

THE CICADAS ARE COMING!

Striking broods of periodical cicadas, which emerge at predictable 13 or 17 year intervals across the eastern US. Representatives, will to some people's displeasure, show up in Kentucky. They can produce a deafening noise, which is made when male cicadas sing in choruses together to attract the females. The massive groups of cicadas can be a colorful visual to behold. Periodical cicadas have black bodies, red eyes, and red-orange wing veins in two pairs of clear wings over the abdomen. Cicadas aren't known for their flying skills and they usually hangout in tree tops from late April through June. Although sometimes a nuisance, they are harmful to people and animals. One thing they can harm is trees. Here are some tips to

Protecting Trees from Damage

Periodical cicadas can potentially damage trees in landscaping, nurseries and orchards, with the exception of pines and some species that produce sappy substances when damaged. "Flagging" is physical damage to trees when a female cicada slices twigs to lay batches of eggs. The twigs are weakened and break, turn brown and die. This may not pose a serious threat to larger more established trees but can affect immature and developing trees. Delay new landscaping and orchard plantings until the cicada activity is over for the season. When you first hear the singing of the cicadas young trees should be covered with netting or cheesecloth and then removed towards the end of June or when you notice the cicada activity has ceased. Securing the tree trunk will help prevent the cicadas from climbing up the limbs. Although time consuming, pruning out twigs with eggs in them can prevent cicada nymphs from feeding on the roots of trees.

Applying insecticides generally offer limited protection from tree damage when cicadas are numerous.



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OLDHAM COUNTY DISPATCH
222-0111 or 911 for emergencies

COUNCIL MEETING

The regular meeting of the City Council of Pewee Valley, Kentucky was held on Monday, April 5, 2021. In attendance were Mayor Bob Rogers, Council Members Paige Bjorn, William Frentz, Bethany Major, Norman Schippert, Henry Walser, Emily Rademaker, city attorney John Singler and clerk Denise Haney.

Mayor Rogers called the meeting to order at 7:00 PM and led in the Pledge of Allegiance to the Flag

Motion to approve March Council Meeting Minutes made by Henry Walser, seconded by Bethany Major, and approved by all council members present.

Financial Report – Updated financials were presented.

Open Comments – Mr. Alison and Mr. Price asked what could be done about trains blocking the roads in Pewee Valley. The Mayor said dispatch should be called at 222-0111 and urges residents to call CSX at 1-800-232-0144.

Police Report – 2 non-injury accidents were reported. Residents needing a house watch, please notify Chief Hoskins or sign up for a house watch via peweevalleyky.org

Traffic Stop - 162

Traffic Charges - 115

Courtesy Notice - 103

Motorist Assist - 7

Accidents - 2

Complaints - 37

Criminal Investigations - 1

Code Enforcement - 4

School Patrol - 110

Announcements – Mayor Rogers informed the council that the first reading of the

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budget amendment will happen at the May meeting so please review budget sheets and submit any changes.

Council Member Reports

Public Safety – William Frentz – William asked what the protocol is for dealing with dilapidated structures. The Mayor said nuisance violations should be reviewed and if needed, code enforcement can be called.

Communication –Henry Walser - No report

Sidewalks/Festivities – Emily Rademaker – All documents for Ash Avenue sidewalk have been approved. Albert Zimmerman is now working on getting the bidding process started.

Town Hall/Historical/Central Park – Bethany Major - No report

Waste Management – Paige Bjorn – No report

Insurance/Stormwater – Norman Schippert -No report

Roads – Mayor Rogers – Central Place and Peace Lane will be paved in the spring. The city will piggy-back on the county to save costs and a fiber will be added to the asphalt to extend the life of the asphalt.

New Business –

John Singler informed the council that it is time to authorize the name change and renew the inter-local agreement for the Jefferson County League of Cities Cable Commission. A motion was made by Norman Schippert, seconded by Bethany Major, and approved by all council members to authorize John Singler to negotiate the city's cable franchise and not renew the inter-local agreement with JCLCCC.

John Singler swore in everyone speaking before the council regarding the public hearing for the planning and zoning commission and there was an introduction of staff by committee.

Amy Alvey, assistant director of OC Planning and Development Services, reviewed the zoning change requests including proposed development plans/master plan for Brighten Heights.

Attorney John Baker introduced himself, stated that he represented Trek and requested the change in zoning application for 7400 and 7607 Friendship Drive be approved. He thanked everyone for their time and consideration and introduced other professionals involved in the project.

Scott Edens, President of the Rural Education Association of Kentucky believes in maintaining the charm of Pewee Valley. He believes the Brighten Heights Community will be a groundbreaking development for senior living and enhance Pewee Valley.

Susan Pena, project coordinator, stated that as the senior population continues to rise, care-giving for seniors is on the decline. Chronic disease is the major cause of death in the aging population and Brighten Heights approach is to improve lifestyles, promote healthy living and support seniors by enhancing the quality of life to slow and possibly reverse health problems.

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Craig Kimmel, architect with RLPS. presented the layout and design of the Brighten Heights buildings which will be centered on the property and will include a large amount of greenspace. He reiterated this is a groundbreaking design for senior living and believes this will set an example for communities nationwide.

Jonathan Baker reiterated the developer is committed to the requirements of the Planned Urban Development. He requested the council vote to uphold the planning commission recommendations for approval.

Steve Rademaker asked the council to carefully review the landscaping plan of Brighten Heights, especially near residential property lines and make sure it is upheld to standards we have come to associate with Pewee Valley.

Jim Alison asked if the city would be paying for Brighten Heights sanitation. John Singler stated that the City does not supply commercial garbage pickup.

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Rose Mary Kithcart asked about the two main entrances and if any roads will be improved. She stated her concern for visibility on Reamers Road. She asked how many employees there will be and if they were factored into traffic study along with the fact that Covid hindered the amount of people traveling on the roads.

Amy Wellnitz expressed her concern about traffic, construction noise, the impact on her family's home, long term effects of



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the development to the integrity of the city.

Scott Edens again reiterated that the company is a small non-profit and they are striving to take necessary steps to carry out the project in an appropriate manner to enhance and not negatively impact the community.

Attorney John Singler read by summary Ordinance 2, Series 2021. A motion for second reading and passage of Ordinance 2, Series 2021 An Ordinance Annexing Two Portions of the Rural Education Association Property into the City of Pewee Valley was made by Norman Schippert, seconded by Henry Walser. A roll call vote was taken and the council unanimously voted for passage of the ordinance.

Attorney John Singler read by summary Ordinance 3, Series 2021. Mr. Singler highlighted a few binding elements: that all plans cannot be changed unless approved by the council (including if the property would sell and a new company would want to alter the plan), enhancing the traffic pattern to reduce traffic on 146th, keeping the property maintained during and after construction.

A motion for second reading and passage of Ordinance 3, Series 2021 an Ordinance Relating to the Approval of a Development Plan and Binding Elements for Property Located at 7400 & 7607 Friendship Drive



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Containing 47.07 Acres, and Being in the City of Pewee Valley, Case Number PZ-20-016-17 was made by Norman Schippert, seconded by Bethany Major. A roll call vote was taken and the council unanimously voted for passage of the ordinance.

Jim Urban presented the updated Oldham County Comprehensive Plan to the council and explained that every 5 years the plan needs to be updated due to anticipated population growth and that it will be explained in greater detail at the May council meeting.

John Singler read by summary Ordinance 4, Series 2021 An Ordinance Repealing and Replacing the existing Oldham County Comprehensive Plan and a Motion for Introduction and First Reading was made by Henry Walser, seconded by Paige Bjorn and approved by all council members.

A motion to accept Wendy Hagan for another term on the Planning Commission was made by Bethany Major, seconded by Norman Schippert, and approved by all council members.

Upon approval of payment of outstanding bills the council voted unanimously to adjourn.

Event

2021 Kilgore House and Garden Tour

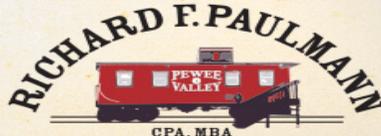
In its 21st year the Kilgore House and Garden Tour will be held Saturday, June 12 and Sunday, June 13 from 10:00 a.m. to 4:00 p.m. Rain or shine. Named as Louisville's Premier Garden Tour, the event will showcase six gardens and two homes, including a Pewee Valley home. Tickets are \$35 and are available from various locations or online: kilgoregardentour.org

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PEWEE VALLEY CALENDAR OF EVENTS

ACTIVITY

Mon. May 3	7 pm - Pewee Valley Town Council Meeting	Pewee Valley 241-8343
TBD	7 pm - Pewee Valley Historical Society Meeting Town Hall	Pewee Valley Town Hall 241-8343
Mon May 17	7 pm - Pewee Valley Environmental Board Meeting -	Pewee Valley 241-8343
TBD	- Pewee Valley Woman's Club Meeting - Luncheon and Program, 218 Mt. Mercy. If interested, please call.	Pat Nieters 502-241-7203

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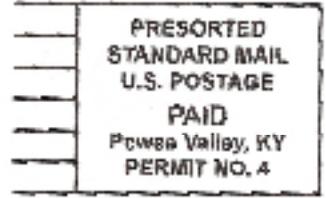


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CITY OF PEWEE VALLEY
ORDINANCE NO. 2, SERIES 2021
AN ORDINANCE ANNEXING TWO PORTIONS OF THE RURAL EDUCATION ASSOCIATION PROPERTY INTO THE CITY OF PEWEE VALLEY, KY

WHEREAS the City of Pewee Valley hereby finds that it serves the public interest of the citizens of the City of Pewee Valley to annex two parcels of land owned by the Rural Education Association, because the owners of the property desire to be annexed and have signed a consent to the annexation; AND WHEREAS, annexing this property would be a natural extension of city boundaries to a contiguous area that is currently under development, but has two small parcels that are not within the City limits and the owner desires to be annexed so that only one governmental entity will have to approve the development proposal, AND WHEREAS, pursuant to KRS 81A and specifically KRS 81A.412, the City of Pewee Valley is directly annexing the two areas in the attached legal description through this one final ordinance, because the owner of the property has asked the City to so annex and has agreed in writing to the annexation,

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF PEWEE VALLEY, KENTUCKY,

1. In accordance with KRS Chapter 81A, it is hereby found, determined, and declared that:
 - (a)The two areas to be annexed are small parts of a larger property which is already within the city limits that owned by a non-profit corporation, the Rural Education Association. The Rural Education Association is currently seeking zoning approval for the entire property to be developed into facilities for the elderly and disabled. It would be more effective and efficient for the two small areas outside the City limits to be annexed into the City, so that only one governmental entity controls the zoning and development approval.
 - (b)The two areas to be annexed are contiguous to the current boundaries of the City of Pewee Valley and a normal extension of those boundaries and City services.
 - (c)The Rural Education Association signed a consent form asking the City to annex their property and incorporate it fully into the city. The area to be annexed is subject to KRS 81A.412 as a 100% consent annexation. The City of Pewee Valley has obtained a written consent from the sole property owner and therefore no public hearing was held or required.
2. Based upon the forgoing findings, the City of Pewee Valley does hereby annex into the City of Pewee Valley the two parcels located on 7400 Friendship Drive, which territories are more particularly described in the attached Exhibit One. Because of the consent of the one property owner who has requested in writing for this property to be so annexed, the City is not required to pass the notice ordinance, comply with the other notice requirements and the waiting period. In accordance with KRS 81A.412, upon the enactment of this ordinance, the attached territory is part of the City of Pewee Valley.
3. This ordinance shall be effective upon adoption and publication. ADOPTED BY THE CITY COUNCIL OF THE CITY OF PEWEE VALLEY, upon second reading at a meeting held on the 5th day of April 2021, following first reading at a meeting held on the 1st day of March 2021; and following such adoption signed by the Mayor as evidence of his approval, ordered to be published in summary form according to law, and declared to be in full force and effect according to law.

CITY OF PEWEE VALLEY
ORDINANCE 3, SERIES 2021

AN ORDINANCE RELATING TO THE APPROVAL OF REZONING, APPROVAL OF A DEVELOPMENT PLAN AND BINDING ELEMENTS FOR PROPERTY LOCATED AT 7400 & 7607 FRIENDSHIP DRIVE, CONTAINING 47.07 ACRES, AND BEING IN THE CITY OF PEWEE VALLEY, CASE NUMBER PZ-20-016&17

WHEREAS, the City Council of the City of Pewee Valley has received and reviewed the findings and recommendations of the Oldham County Planning Commission dated November 24th, 2020, Case No. PZ-20-016&17, as provided in KRS 100.211;

WHEREAS the Oldham County Planning Commission has recommended to the City Council of the City of Pewee Valley that the proposed rezoning and Development Plan be approved with certain binding elements, on the following described property, and

WHEREAS the owners of the property herein described have agreed to certain Binding Elements, now, therefore,

BE IT ORDERED BY THE CITY OF PEWEE VALLEY:

Section 1. That based upon the record, detailed findings and favorable recommendation contained in the records of the Oldham County Planning Commission (which Findings are hereby incorporated in full herein), the requested rezoning to Planned Unit Development (PUD), the Development Plan, Master Plan and Binding Elements on the herein described property (more particularly referred to in the legal description found in the records of Case No. PZ-20-016&17), is approved, subject to the hereinafter provided Binding Elements.

Section 2. The following shall be considered binding elements with respect to the property described in Section 1 of this ordinance:

1. The development shall be in accordance with the approved Development Plan, the approved Master Plan, all applicable sections of the Oldham County Comprehensive Zoning Ordinance and agreed upon binding elements unless amended pursuant to this ordinance. Any changes/additions/alterations to any Development Plan, Master Plan, Landscape Plan, or any binding element(s) shall be submitted to the Oldham County Planning Commission and the City of Pewee Valley for review and approval. Any changes/additions/alterations not so approved by both the Oldham County Planning Commission and the City of Pewee Valley shall not be valid and if constructed be subject to code enforcement action.
2. The approval of Planned Unit Development zone for this site, along with the Development Plan and the Master Plan, are all based and conditioned on the Applicant's testimony that the site will only be used as a life plan community for older individuals, as well as disabled individuals, who desire a continuum of care, from skilled nursing services, memory care, assisted living and independent living. This condition provides the factual basis for the PUD approval, which zoning designation is only appropriate for an area developed as a single entity under a common use plan. Therefore, the approval of PUD zoning, the Development Plan and Master Plan is hereby specifically conditioned by the City of Pewee Valley Council upon the property only being used as a life plan community for older, or disabled individuals. Specifically, the proposed independent living apartments and cottages/duplex units cannot subsequently be used for dwelling units not consistent with the use as a life plan community. Rental of the independent living apartments and cottages/duplex units shall be restricted to older adults, over 55 years of age, in compliance with the Housing for Older

Persons Act of 1995 or for disabled persons of any age. Prior to this development ever being used for independent living apartments and cottages/duplex units which are not so restricted, a revised Master Plan and Development Plan must be submitted for the review and approval of the Oldham County Planning Commission and the City of Pewee Valley.

3. The entrance to the facility from KY Highway 146 (the intersection of Friendship Drive and KY Highway 146), is not aligned with the Houston Lane intersection, which also crosses a heavily used railroad with little queue space on the KY Highway 146 side of the crossing. The left turn movements between Friendship Manor and Houston Lane are conflicting and the danger is exacerbated by the misalignment of the intersections, the heavy traffic load on KY Highway 146 and the rail crossing. None of those conditions are proposed to be mitigated in this application and further, the Applicant has two other entrances to this development, which do not have these dangerous conditions. For those reasons, the entrance to this development from KY Highway 146 shall be one-way in only. Applicant shall submit for review and approval of the Oldham County Planning Commission and the City of Pewee Valley details on signage and implementation of the one-way designation.
4. Applicant shall submit with its construction plans detail on sight distance clearing and street lighting around the Friendship Drive/Reamers Road intersection.
5. Before any permit, including but not limited to building permit, or site disturbance permit, is requested:
 - a. The Development Plan must obtain full construction and site plan approval from Oldham County Planning Commission and the City of Pewee Valley.
 - b. The Applicant must obtain approval of a soil and erosion control permit from Oldham County Planning Commission and the City of Pewee Valley.
 - c. The Applicant must obtain approval from the Oldham County Planning Commission and the City of Pewee Valley of a tree preservation plan.
 - d. The Applicant must obtain approval from the Oldham County Planning Commission and City of Pewee Valley of a detailed plan for screening (buffering/landscaping). Such plan shall be implemented prior to issuance of Certificate of Completion and any bond release on the project and shall be maintained thereafter. There shall be no removal of the existing landscaping or required landscaping without City of Pewee Valley approval. In the event any tree or other landscaping is removed without written consent of the City, the City may require the owner/applicant to replace with a replacement suitable to the City.
 - e. Final elevations of all structures must be substantially similar to the concept drawings presented at the public hearing or those included as part of the planned unit development master plan report and shall be approved by the City of Pewee Valley.
 - f. Applicant shall submit to the City of Pewee Valley written proof that it has sanitary sewer capacity and in addition that the sanitary sewer connection will be available to take the flow from any proposed structure prior to Applicant requesting a Certificate of Occupancy.
 - g. Clearing necessary to provide access for survey work, rock soundings or other usual and customary site investigations shall be permitted prior to site disturbance approvals. Preliminary site investigations shall be carefully planned to minimize the amount of clearing required.
 - h. The Mayor is hereby authorized, in consultation with the City Engineer, to issue the City approvals contained in Binding Elements 5(a) through (h) and such approval will not be unreasonably withheld.

6. All street signs to be installed shall conform with the Manual on Uniform Traffic Control Devices (MUTCD) requirements. All lighting to comply with City of Pewee ordinances.
7. The Applicant, its successors and assigns, agrees that during the construction phase, the site shall be kept mowed and picked up, to the greatest reasonable extent possible, given the necessities of the construction operations. The construction entrance shall be through the Reamers Lane entrance. Construction shall be limited to 7 a.m. to 9 p.m.
8. If no building permits are issued within two years of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised Development Plan is approved, or an extension is granted by the Planning Commission and the City of Pewee Valley.
9. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission and the City of Pewee Valley.
10. The Applicant, its successors, and assigns, shall maintain the buildings, apartments, and site in a high state of repair, including, but not limited to;
 - (a) Maintenance of exterior finishes, no peeling paint, broken or non-functioning light fixtures, holes in exterior, windows, and stairways in good condition.
 - (b) Maintenance of grounds, including regular mowing, landscape upkeep and replacement of any plant material which might die, sidewalks repaired, exterior lighting kept functioning, common areas picked up and kept clean.
 - (c) Detention and stormwater facilities must be kept clean, operational, attractive, and safe.
 - (d) Maintenance of parking, no significant pavement degradation allowed, no abandoned cars allowed to remain in parking area and keep any signage painted and well kept.
11. The Applicant shall comply with all other application requirements and standards contained in the Oldham County Comprehensive Zoning Ordinance, Division 230 PUD Planned Unit Development and with the Oldham County Planning Commission's standard Binding Elements recommended by staff in this case, all of which are fully herein as if set out in full and approved.
12. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors, and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements. Applicant, its successors and assigns, acknowledges, and agrees that the City of Pewee Valley has additional authority (along with Oldham County) to enforce these binding elements, including the duty to maintain the property.

Section 3. This Ordinance shall take effect upon its passage and approval as required by law.

First Reading: March 1, 2021

Second Reading: April 5, 2021

Adopted this 5th day of April, 2021.