

# PLANNING COMMISSION AGENDA

**Planning Commission Meeting  
6:00 PM Tuesday, March 11, 2025**

**South Lebanon Municipal Building  
10 N. High Street  
South Lebanon, Ohio 45065**

	<b>Agenda Item</b>
<b>1.</b>	<b>Call to Order</b>
<b>2.</b>	<b>Roll Call</b>
<b>3.</b>	<b>Pledge of Allegiance</b>
<b>4.</b>	<b>Review and Approval of Minutes</b> A. Minutes of February 13, 2025
<b>5.</b>	<b>Public Hearing – none</b>
<b>6.</b>	<b>Old Business</b> A. None
<b>7.</b>	<b>New Business</b> A. Case 25-02P.- Review of proposed Zoning Text Amendments to Sec. 15.9.9 & 15.9.10 prohibiting the retail sale of cannabis in B-1 & B-2 Zones B. Case 25-03P – Review of Replat of Lots 10 & 11 of the Amburgy Subdivision
<b>8.</b>	<b>Communications</b>
<b>9.</b>	<b>Adjournment</b>
Members of the public may address the Planning Commission during the Open Forum segment of the agenda and shall be limited to five minutes each. After the speaker concludes remarks, the Planning Commission may comment or ask questions at that time. The Chairperson may at his or her discretion restrict duplicate testimony on a particular subject.	

## ***City of South Lebanon***

10 N. High St. South Lebanon, Ohio 45065

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[www.southlebanonohio.org](http://www.southlebanonohio.org)

### **Planning Commission Meeting MEETING MINUTES**

**Thursday, February 13, 2025 @ 6:00pm**

#### **Members Present:**

Darrick Zucco  
Linda Allen  
Linda Burke  
Susane Mason

#### **Members Absent:**

Clyde Adkins

#### **Staff:**

Jerry Haddix  
**Administrator**

1. Call to Order by Mr. Zucco, at 6:00 p.m.
2. Pledge of Allegiance
3. Roll Call: Mr. Adkins-Absent, Ms. Allen-Present, Mayor Burke-Present, Ms. Mason-Present Mr. Zucco-Present.
4. Review and Approval of Minutes for December 18, 2024. Motion to approve by Ms. Burke, Seconded by Ms. Allen. Votes were taken, Ms. Allen-Yes, Mayor Burke-Yes, Ms. Mason-Abstain, Mr. Zucco-Yes.
5. Public Hearing-None
6. Old Business-None
  - A. Case 24-10P: Continued after discussion by members, of proposed text amendment to change swimming pool fence requirements.

Mr. Haddix stated that the Planning Commission has sixty (60) days from the receipt of the request to forward a recommendation to the City Council. He researched additional information from the Consumer Product Safety Commission. The CPSC recommends lowering fence requirements for private swimming pools to (4) feet with a self-locking hatch, along with additional information to increase safety. Mr. Haddix recommends providing a CPSC pamphlet for individuals who get a zoning permit for a private swimming pool. He stated that after recommendation by members, the City Council has 40 days from transition to hold a Public Hearing for the public to provide feedback and 30 days to review and make a final decision. Mr. Haddix further stated that the City Council will have 30 days to review public feedback and make a final decision. He explained that there is not a specific timeline on zoning text and map amendments.

Mayor Burke reported that she researched information from the Center for Disease Control and Prevention and discovered that drowning is the lead cause of death for children ages 1-4 years old in the United States. Drowning can happen quickly and silently. Most drowning happens in swimming pools, even when children are not expected to be around water. Children aged 1-4 years old and adults aged 65 and older have the highest rates of drowning deaths. She is concerned about keeping the fence requirement at (6) foot because (4) foot is easy to quickly get over.

Mr. Zucco asked for a motion to approve and no response

Mr. Haddix stated that, during this meeting, a recommendation needs to be made to the Council.

Mr. Zucco asked if someone wanted to make a motion to approve or deny.

Mr. Haddix stated that there needs to be a motion to approve or deny. He further stated that the (4) foot fence height is standard, and compiled information recommends ways to make the fence safer, for example, an installed Kentucky Board fence is easier to climb than a standard fence.

Mr. Zucco asked for the key driver of change regarding the proposed text amendment.

Mr. Haddix answered that the City has received variance requests to the Board of Zoning Appeals (BZA). He stated that the BZA determines that if an individual is required to replace an existing fence, it will cause them undue hardship.

Mayor Burke asked if a grandfather clause could be applied to the amendment.

Mr. Haddix stated that there is not a grandfather clause in place for the zoning amendment. He further stated that if a pool was in place prior to the zoning code going into effect, the grandfather clause would exempt them from the new zoning regulation.

Ms. Mason discussed that she feels conflicted deciding on the appropriate fence height requirements, she relies on the Safety Commission to determine the accurate fence height requirements, and they recommend (4) feet. Ms. Mason further discussed that, according to the CDC data, drowning is the number one cause of death in children. She stated that she is uncertain if the CDC data is referring to the drowning of smaller children who would not be able to go over a (4) foot fence.

Mr. Zucco asked what the other jurisdictions are requiring for the fence height.

Mr. Haddix answered that Warren County has a fence height requirement of (4) foot, and (6) foot for commercial public pools.

Ms. Allen stated that she is not in favor of the (4) foot fence requirements. She discussed that she perceives (2) feet is enough time to grab a child trying to climb over or slip under a fence. Ms. Allen further discussed that she put up a (6) foot fence last summer and she understands the burden of the cost, which is about \$2,000 more. She mentioned that she believes if you can afford the cost of an in-ground pool, you can afford the additional cost for a (6) foot fence. Ms. Allen asked if the amendment was previously appealed.

Jerry stated that the fence height amendment was initiated in 2019, and the Council denied it. He further stated that anybody can ask for a variance to the BZA.

Mr. Zucco asked if the BZA approves the variances.

Jerry answered that the BZA approves most variances re: pool fence height with conditions and is not a blanket approval.

Ms. Allen stated that requesting a variance to the BZA is an option, especially if the members are not comfortable with changing the text amendment. She discussed that the people of the public should request a variance to the BZA, therefore the board can provide them with specifications to protect an individual from getting into a pool.

Ms. Mason asked if the requests for changing the fence requirements to (4) foot are due to financial hardship

Mr. Haddix stated that the Council initiated the change for the (4) foot fence height request because the BZA received so many variance requests. He discussed that the common surrounding areas are efficient with the (4) foot request.

Mayor Burke mentioned that she could not live with herself if a child drowned in a pool. She discussed the issue of who would be monitoring the changes and the money to enforce the code.

Mr. Zucco asked if the Council can override 2/3 of the vote if the motion is denied.

Mr. Haddix answered that it will take five votes

After a brief discussion, a motion to recommend denial of the proposed amendment to the Zoning Code changing the pool fence height from 6' to 4' was made by Ms. Allen, seconded by Ms. Mason. Vote was taken, all yeas.

## 7. New Business

### A. Case 25-01P.- Revision to Final Development Plan (FDP) for River Creek Lofts, LLC

Mr. Haddix discussed that River Creek Lifts River Creek Lofts, LLC (Applicant) has submitted a revision to the approved Final Development Plan (PDP) of said property which would add four (4) additional units to Building 3 which would make it a 60-unit building like the proposed Building 8. This change would increase the overall density from 15.06 units/acre to 15.19 units/acre. This is still well below the allowed maximum of 21 units/acre allowed in the R-3 District. He is requesting a determination by the Planning Commission that this will be a minor modification and doesn't require any additional planning. Mr. Haddix discussed that the increase in the size of the footprint is minimal.

Mr. Zucco asked if there are four more units

Mr. Haddix answered that there will be four more units

Mr. Zucco asked if the determination is minor or major

Mr. Haddix answered that determination is minor

After a brief discussion, a motion for a determination of the change to the River Creek Lofts Final Development Plan as minor modification was made by Mr. Zucco seconded by Ms. Burke. Vote was taken, all yeas.

8. Communications

City Administrator

- a. Mr. Haddix stated that River Creek Lofts is moving forward, and a lot of infrastructure is being put in and as well as two buildings in the Clubhouse. He further stated that Mason-Morrow-Millgrove Road will be closed for two weeks. He discussed that there will be road improvements in the Spring, but that traffic will be maintained with flagging during the day. He mentioned the City of Lebanon project on Kingsview Drive is driving a lot of projects to our area.
- b. He stated that the next phase of Arbors will be moving forward and has nearly sold out of phase one.

- B. At 6:25 p.m. a motion to adjourn was made by Ms. Allen, seconded by Ms. Burke. Vote was taken, all yeas.

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Darrick Zucco – Chairman

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Jennifer O'Brien – Clerk

Audio recording of this meeting is available upon request.

## CITY OF SOUTH LEBANON MEMORANDUM

**TO:** Planning Commission  
**FROM:** Jerry Haddix, City Administrator  
**RE:** Case 25-02P, Zoning Text Amendment – Retail Sale of Cannabis  
**DATE:** March 7, 2025

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On the agenda for March 11<sup>th</sup> meeting is Case #25-02P, relates to a proposed text amendments to **Section 15.9.9 B-1 Neighborhood Business District** and **Section 15.9.10 General Business District** of the City Zoning Code prohibiting the retail sale of cannabis, either recreational or medicinal, in those zoning districts.

### **Background**

On November 7, 2023, the State of Ohio passed Issue 2 legalized the adult use of cannabis and became effective on December 7, 2023. Issue 2 also allows municipalities the regulate cannabis by ordinance within City boundaries.

On July 2, 2024, the City Council imposed a 365-day moratorium on all cannabis activity with the expiration being August 2, 2025. On March 6, 2025, the City Council adopted Resolution No. 2025-09 to initiate zoning text amendments to prohibit the sale of cannabis within the City.

### **Code Analysis**

Article 7 of the City Zoning Code outlines the procedures for amendments to the City Zoning Code.

### **Zoning Process**

Sec. 15.7.3 states the “Amendments to this ordinance may be initiated in one of the following ways:

1. By adoption of a motion by the Planning Commission; By the adoption of a resolutions by City Council; and
2. By the filing of an application by at least one (1) owner or lessee of property within the area proposed to be changed or affected by said amendment.

Sec. 15.7.7 states that “Within sixty (60) days from the receipt of the proposed amendment, the Planning Commission shall transit its recommendation to the City Council.

### **Proposed Amendments**

Below are the proposed changes to Sec. 15.9.9 and 15.9.10 of the City Zoning Code per City Council Resoltuon No. 2025-09 (Additions are all CAPS and Bold; Deletions are strikethrough):

## **Sec 15.9.9 B-1 Neighborhood Business District Regulations**

### **1. Principal Permitted Uses:**

- a. Business or professional offices
- b. Churches and similar places of worship
- c. Financial Institutions
- d. Home furnishings sales/rental/repair
- e. Printing, copying, and publishing establishments
- f. Restaurants
- g. Retail stores or rental/lease establishments, including those which sell petroleum products but do not do on-site servicing or repair work  
**AND EXCLUDING CANNABIS RETAIL ESTABLISHMENTS, INCLUDING RECREATIONAL AND MEDICINAL.**
- h. Service businesses which do not do on-site installation or repair work
- i. Studios, salons and health clubs

## **Sec 15.9.10 B-2 General Business District Regulations**

### **1. Principal Permitted Uses:**

- a. Animal hospitals/Kennels
- b. Automotive, mobile home, farm implement, sales, service, rental or lease establishments
- c. Building and related trades, including sales areas
- d. Business or professional offices
- e. Car washes
- f. Churches and similar places of worship
- g. Financial Institutions
- h. Home furnishings sales/rental/repair
- i. Medical clinics
- j. Motels and Hotels
- k. Motion picture theatres, indoor or outdoor printing, copying, and publishing establishments
- l. Restaurants
- m. Retail stores including those which sell petroleum products and may do on-site servicing or repair work **AND EXCLUDING CANNABIS RETAIL ESTABLISHMENTS, INCLUDING RECREATIONAL AND MEDICINAL.**
- n. Service businesses which may do on-site installation or repair work
- o. Studios, salons and health clubs

**CITY OF SOUTH LEBANON, OHIO  
RESOLUTION NO. 2024-24**

**A RESOLUTION IMPOSING A TEMPORARY MORATORIUM ON THE  
ACCEPTANCE, CONSIDERATION, AND/OR GRANTING OF ANY ZONING,  
OCCUPANY, OR OTHER PERMITS OR APPLICATIONS RELATING TO  
CULTIVATORS, PROCESSORS, OR RETAIL DISPENSARIES OF ADULT USE  
CANNABIS WITHIN THE CITY OF SOUTH LEBANON**

**WHEREAS**, pursuant to the constitution of the State of Ohio in the charter of the City of South Lebanon, the City has the power to enact laws that are for the health, safety, and welfare of the citizens of South Lebanon, including zoning laws and business regulations; and

**WHEREAS**, on November 7, 2023, the State of Ohio passed Issue 2, which is an act to control and regulate adult used cannabis (the “Act”) which among other things, legalize the use of cannabis for adults; and

**WHEREAS**, the Act became effective on December 7, 2023 (the “Act”); and

**WHEREAS**, the Act establishes the division of cannabis control within the Ohio Department of Commerce to license, regulate, and establish rules for adult used cannabis operators and laboratories, including rules relating to application and license permits for applicants for cannabis operators (the rules of the division of cannabis control are herein after referred collectively as “the regulations”); and

**WHEREAS**, the Act provides that within nine (9) months of the Act’s effective date, the Division of Cannabis Control is to establish the regulations; and

**WHEREAS**, the Act also provides that municipalities may adopt an ordinance by majority vote to limit or prohibit the number of adults use operators within the municipal corporation, with certain limitations to be set forth by the Division of Cannabis Control; and

**WHEREAS**, the extent of provisions of the regulations are currently unknown and will likely not be known by the Act’s effective date or until the Division of Cannabis Control finalizes the regulations; and

**WHEREAS**, upon review of the Act, it is not clear if a person or entity can establish a use within the City on or after the Act’s effective date relating to the cultivation, processing, or retail dispensary of adult use cannabis within the City after the effective date of the Act but prior to the passage of the regulation; and

**WHEREAS**, the City has no existing provisions in its ordinances or zoning regulations relating to the legal use of adult-use cannabis not related to medical marijuana dispensary;



**WHEREAS**, prior to considering regulations on adult-use cannabis dispensaries, City Council desires to have a better knowledge of the applicable federal law, newly implemented state law, and future regulations and other issues generally associated with recreational use of cannabis and may impact the health, safety, welfare of the citizens of the City of South Lebanon; and

**WHEREAS**, A moratorium on certain matters related to adult-use cannabis dispensaries will allow the Planning Commission and City Council to know the regulations the Division of Cannabis Control will establish, to more fully consider the issues prior to enacting any legislation; and

**WHEREAS**, given the time needed to fully review the current laws, trends, background, and issues associated with adult-use cannabis dispensaries, to propose, draft, and present regulations, City Council believes that ~~180~~ **365** days is a reasonable time to obtain the information it needs.

**NOW, THEREFORE BE IT RESOLVED** by a majority of the Council of the City of South Lebanon, Ohio, as follows:

**Section 1.** A temporary moratorium on the consideration and/or granting of any applications for local licensing approval, and any zoning, occupancy, or other permits related to cultivators, processors, or retail dispensaries of adult-use cannabis within the City of South Lebanon.

**Section 2.** The duration of the moratorium shall commence with the passage of this resolution and shall end, unless shortened or extended by City Council ~~180~~ **365** days after the passage of this resolution.

**Section 3.** The recitals contained in the Whereas clauses set forth above are incorporated by reference herein.

**Section 4.** All formal actions of City Council regarding this Resolution were adopted in an open meeting of City Council in compliance with all legal requirements, including, but not limited to, Section 121.22 of the Ohio Revised Code.

**Section 5.** This resolution shall be effective upon passage.

Resolution No. 2024-24  
Page 3

Adopted this 2<sup>nd</sup> day of July, 2024.

Linda S. Burke

Linda S. Burke, Mayor

Attest:

Petrina D. Williams

Petrina D. Williams, Director of Finance/Clerk

Rules Suspended: - (if applicable)

First Reading: 6/20/24

Second Reading: 7/2/24

Vote: 6 Yeas  
\_\_\_\_\_ Nays

Effective Date: 8/2/24

Prepared by and approved as to form:

Andrew P. Meier  
Law Director  
South Lebanon, Ohio

By: [Signature]

Date: 7/2/2024

**CITY OF SOUTH LEBANON, OHIO  
RESOLUTION NO. 2025-09**

**A RESOLUTION TO INITIATE A ZONING TEXT AMENDMENT TO SECTION 15.9.9  
(1)(g) [B-1 NEIGHBORHOOD BUSINESS DISTRICT] AND SECTION 15.9.10 (1)(m) [B-  
2 GENERAL BUSINESS DISTRICT] OF THE CITY ZONING CODE, AND  
DECLARING AN EMERGENCY**

**WHEREAS**, per Resolution No. 2024-24, the South Lebanon City Council imposed a 365-day moratorium on cannabis-related activities within the City of South Lebanon with an effective date of August 2, 2024; and,

**WHEREAS**, the City Council desires to enact a permanent zoning regulation of the City Zoning Code related to the retail sale of cannabis within the City; and,

**WHEREAS**, per Section 15.7.3(1) of the City Zoning Code, City Council, by adoption of a resolution, may initiate an amendment to the Zoning Code; and,

**WHEREAS**, the City enacted Resolution 2024-24 on July 2, 2024, related to a temporary moratorium; and

**WHEREAS**, immediate action is required as the current moratorium expires on August 2, 2025, and such action is necessary in order to preserve the public peace, health, safety or welfare of the city:

**NOW, THEREFORE BE IT RESOLVED**, by the Council of the City of South Lebanon, at least two-thirds of all members elected thereto concurring:

**Section 1.** That the Council hereby initiates a zoning resolution to amend the text of the City Zoning Code to enact permanent zoning regulation with respect to the retail sale of cannabis, per the attached Exhibit “A”.

**Section 2.** That the City Administrator is directed to forward this request to the City Planning Commission.

**Section 3.** That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

**Section 4.** That this Resolution is hereby declared to be an emergency measure in accordance with Section 731.30 of the Ohio Revised Code for the immediate preservation of the public peace, health, safety and general welfare; and, this Resolution shall be in full force and effective immediately upon its passage.

**Resolution No. 2025-09**

**Page 2**

**Section 5.** That it is found and determined that all formal actions of the Council concerning and relating to passing this Resolution were adopted in an open meeting of Council in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Adopted this 6th day of March, 2025.

\_\_\_\_\_  
Linda S. Burke, Mayor

Attest: \_\_\_\_\_  
Jennifer O'Brien, Clerk of Council

Rules Suspended: 3/6/2025 (if applicable)

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Vote: \_\_\_\_\_ Yeas  
\_\_\_\_\_ Nays

Effective Date: 3/6/2025

Prepared by and approved as to form:

\_\_\_\_\_  
Andrew P. Meier  
Law Director  
City of South Lebanon, Ohio

## **EXHIBIT “A”**

### **Sec 15.9.9      B-1 Neighborhood Business District Regulations**

1. Principal Permitted Uses:
  - a. Business or professional offices
  - b. Churches and similar places of worship
  - c. Financial Institutions
  - d. Home furnishings sales/rental/repair
  - e. Printing, copying, and publishing establishments
  - f. Restaurants
  - g. Retail stores or rental/lease establishments, including those which sell petroleum products but do not do on-site servicing or repair work AND EXCLUDING CANNABIS RETAIL ESTABLISHMENTS, INCLUDING RECREATIONAL AND MEDICINAL.
  - h. Service businesses which do not do on-site installation or repair work
  - i. Studios, salons and health clubs

### **Sec 15.9.10      B-2 General Business District Regulations**

1. Principal Permitted Uses:
  - a. Animal hospitals/Kennels
  - b. Automotive, mobile home, farm implement, sales, service, rental or lease establishments
  - c. Building and related trades, including sales areas
  - d. Business or professional offices
  - e. Car washes
  - f. Churches and similar places of worship
  - g. Financial Institutions
  - h. Home furnishings sales/rental/repair
  - i. Medical clinics
  - j. Motels and Hotels
  - k. Motion picture theatres, indoor or outdoor printing, copying, and publishing establishments
  - l. Restaurants
  - m. Retail stores including those which sell petroleum products and may do on-site servicing or repair work AND EXCLUDING CANNABIS RETAIL ESTABLISHMENTS, INCLUDING RECREATIONAL AND MEDICINAL.
  - n. Service businesses which may do on-site installation or repair work
  - o. Studios, salons and health clubs

**CITY OF SOUTH LEBANON  
MEMORANDUM**

**To:** Planning Commission Members

**From:** Jerry Haddix, City Administrator

**Date:** March 5, 2025

**Subject:** Case# 25-03P - Replat for Lots 10 & 11, Amburgy Subdivision

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In November of 2024, Smileyland Properties, LLC purchased, via Sheriff's Sale, the property at 263 King Avenue. The property consists of Lots 10 & 11 of the Amburgy Subdivision and the house that was on the property was actually on both lots. Both lots are 50' wide which is less than the 60' minimum for the R-3 District. Since the house was built prior to the zoning code adoption, this was considered a non-conforming use.

During their initial rehab of the existing house, the shell blew over and destroyed greater than 50% of the structure. Now, to re-build on the property, they are now seeking to combine the two lots through a replat. This plat meets all of the requirements for a replat.

Let me know if you have any questions or need additional information.

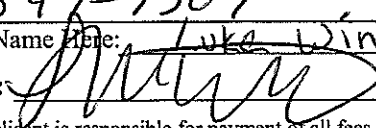
# CITY OF SOUTH LEBANON PLANNING COMMISSION APPLICATION

## 1. Application Type: (check the appropriate box) (all plans must be folded when submitted)

<input type="checkbox"/>	Draft Plan-Discussion Only	<input type="checkbox"/>	Preliminary PUD
<input type="checkbox"/>	Site Plan	<input type="checkbox"/>	Final PUD
<input type="checkbox"/>	Landscape Plan	<input type="checkbox"/>	Rezoning
<input type="checkbox"/>	Construction Drawings. (Please complete Fee Schedule form on Page 2)	<input type="checkbox"/>	Lot Split
<input type="checkbox"/>	Preliminary Plat (Please complete Fee Schedule form on Page 2)	<input type="checkbox"/>	Conditional Use
<input checked="" type="checkbox"/>	Final Plat or Replat	<input type="checkbox"/>	Special Meeting
<input type="checkbox"/>	Right-of-Way Dedication Plat	<input type="checkbox"/>	Other:

(See Page 3 for complete Fee Schedule and Submittal Requirement Information)

## 2. Development Information:

<b>Development/Business Name:</b>			
Type of Business/Project Description: <u>We Are Wanting to build Apartments.</u>			
Location: <u>263 King Ave South Lebanon, OK 45068</u>		Size of Building: <u>40ft* X 72ft</u>	
Current Zoning: <u>Multi Family / Residential</u>		Rezone to:	
Total Acreage: <u>0.2756</u>		Acres to be Rezoned:	
Number of Employees: <u>10</u>		Number of Fleet Vehicles: <u>5</u>	
<b>Current Owner of the Property</b>		<b>Project Contact (Architect, Engineer, Planner)</b>	
Name: <u>Smileyland Properties LLC</u>		Name: <u>Luke Windland</u>	
Address: <u>3614 Concord Dr</u>		Address: <u>3614 Concord Dr</u>	
City: <u>Orlanger</u> State: <u>KY</u> Zip: <u>41018</u>		City: <u>Orlanger</u> State: <u>KY</u> Zip: <u>41018</u>	
Telephone: <u>859-547-7307</u> Fax:		Telephone: <u>859-547-7307</u> Fax:	
<b>Applicant(s):</b> <u>Luke Windland</u>			
Address: <u>3614 Concord Dr</u>			
City: <u>Orlanger</u> State: <u>KY</u> Zip: <u>41018</u>			
Telephone: <u>859-547-7307</u> Fax:			
Please Print Applicant's Name Here: <u>Luke Windland</u>			
* Applicant's Signature: 			

\* Applicant is responsible for payment of all fees (See Fee Schedule and Footnotes on Pages 3 and 4 respectively.)

## TO BE COMPLETED BY THE CITY OF SOUTH LEBANON

Application Number: \_\_\_\_\_ Date of Planning Commission Meeting: \_\_\_\_\_

Fee Paid: \_\_\_\_\_ Drawn: \_\_\_\_\_ Check #: \_\_\_\_\_ Date: \_\_\_\_\_ Initial: \_\_\_\_\_

Legal Notices Advertised: \_\_\_\_\_ Mailed to Surrounding Property Owners: \_\_\_\_\_

### 3. Rezoning and Preliminary PUD Plan Requests

**Surrounding Property Owners:** Please list the names and addresses of all Owners of Real Property within 300 feet of any part of the property as such names and addresses appear on the most recent tax duplicate on 2 sets of mailing labels. (See submittal requirements on page 3).

### 4. Signatures Required

*By signing this application, I attest under penalty of law that all the information given above is correct to the best of my knowledge.*

Please **Print** Applicant's Name:

Luke Windland

Applicant's Signature:

[Signature]

Date:

2/25/25

Property Owner's Signature:

[Signature]

Date:

2/25/25

### 5. Fee Determination for Construction Drawings and Preliminary Plat Submittals

Please create a detailed breakdown of the estimated infrastructure breakdown cost for the project and attach it to this application. For Construction Drawings complete Item 1 and for Preliminary Plats complete Item 2.

Total Infrastructure Cost \$ \_\_\_\_\_ (A)

#### 1 – Construction Drawing Fee Breakdown

1.25% of Total Infrastructure Cost\* (Line A x 0.0125) \$ \_\_\_\_\_ (B)

1.50% of Total Infrastructure Cost\*\* (Line A x 0.015) + \$ \_\_\_\_\_ (C)

Application Fee + \$ 150.00 (D)

**Total Construction Drawing Fee (Line B + C + D)** \$ \_\_\_\_\_ (E)

#### 2 – Preliminary Plat Fee Breakdown:

0.25% of Total Infrastructure Cost\* (Line A x 0.0025) \$ \_\_\_\_\_ (F)

Application Fee + \$ 150.00 (G)

**Total Preliminary Plat Fee (Line F + G)** \$ \_\_\_\_\_ (H)

**Total Paid with Application/Submittals (Line E+H)** \$ \_\_\_\_\_

\* Due upon submittal

\*\* Due prior to construction



## 6. Fee Schedule and Submittal Requirements

Article/Ord. Reference	Item	Fees <sup>(3)(4)</sup>	Submittal Requirements
Article 20 Article 14	Preliminary Plats Final PUDs	\$150 + 0.25% of estimated infrastructure construction costs <sup>(1)</sup>	12 Copies <sup>(5)</sup> + 1 Copy (Ledger Paper)
Article 20	Construction Drawings	\$150 + 2.75% of estimated infrastructure construction costs <sup>(1)</sup> (Include estimate with application)  (1.25% due at time of submittal and 1.5% due before construction begins) <sup>(2)</sup>	4 Copies <sup>(5)</sup>  2 Drainage Calculations  2 Detailed Spreadsheet of the Estimated Infrastructure Costs
Article 20	Final / Dedication Plats	\$350	10 Copies <sup>(5)</sup> + 1 Copy (Ledger Paper)
Article 20	Lot Split / Minor Subdivision / Replats	\$75 per lot	3 Survey Plats <sup>(5)</sup> & Legal Descriptions  1 New Deed + 1 Original Deed
Article 18	Site Plans	\$400 + \$5 per unit Multi-family  \$400 + \$20 per acre Commercial/ Office/Industrial/Institutional	12 Copies <sup>(5)</sup> + 1 Copy (Ledger Paper)
Article 17	Landscape Plans	\$150 + \$10 per acre	12 Copies <sup>(5)</sup> + 1 Copy (Ledger Paper)
Article 7	Zoning District Map Change  Zoning Text Change	\$400 + \$10 per acre	20 Copies <sup>(5)</sup> + 1 Copy (Ledger Paper)  1 List of Surrounding Property Owners + 2 Sets of Mailing Labels
Article 5	Variances / Appeals	\$400	8 Copies + 1 Copy (Ledger Paper) 1 List of Surrounding Property Owners + 1 Set of Mailing Labels
Article 14	Preliminary PUD Plans	\$2,500 + \$20 per acre	12 Copies <sup>(5)</sup> + 1 Copy (Ledger Paper) 1 List of Surrounding Property Owners + 2 Sets of Mailing Labels
Article 14	Final PUD Plans	Site Plan Review Fees Apply	Site Plan Review Submittal Requirements Apply
Article 6	Conditional Use / Similar Use	\$250 + applicable site plan fee	15 Copies + 1 Copy Ledger Paper <sup>(5)</sup>
Article 3	Zoning Permit	\$250 + \$0.03 per square foot of building area (City water tap and inspection fee required if utilizing City Water [proof of payment of County tap fee if utilizing County Water]; City sewer tap and inspection fee also required)	5 Copies
Article 3	Temporary Use Permit	\$50	5 Copies
Article 3	Certificate of Occupancy	\$50	3 Copies
Ord. No: 2008-14; Permit App.	Flood Hazard Area Development Permit	\$50	3 Copies of Permit Application w/ applicable submittal requirements (stated on Page 2 of 2 of Permit Application + Engineering "No Rise" Certification (if applicable))
	Special Meeting	\$500 + Application Fee, if any <sup>(6)</sup>	Depends Upon Type of Application or Meeting Requested

#### FOOTNOTES TO FEE SCHEDULE

- (1) Infrastructure construction costs include all infrastructure costs associated with a development including, but not limited to, drainage facilities, sanitary sewers, waterlines, grading, excavation, and street improvements.
- (2) Any inspection conducted outside the normal eight-hour workday of Monday through Friday, excluding holidays, 8:00 a.m. until 4:30 p.m., shall be charged at one and a half (1.5) times the standard rate. The City reserves the right to charge fees in addition to the fees specified in the table above if, due to the applicant's responsibility, excessive review and/or field inspections are necessary, and as determined by the City Engineer. Such fees for review and field inspection by City staff shall be charged at the standard rate of forty dollars (\$40) per hour, plus a three-fourths (.75) hour charge for travel time. Any review and inspection completed by consultants on behalf of the City shall be charged to the applicant at the same rate charged by the consultants. Performance and maintenance bonds will not be released until payment of all fees is received.
- (3) Any review and inspection completed by consultants on behalf of the City shall be charged to the applicant at the same rate charged by the consultants. The applicant shall pay the difference when consultant fees charged to the City are in excess of the established Fee Schedule base amounts. Final approvals will be held until all fees charged by consultants are paid-in-full by the applicant.
- (4) The fee for review of a revised application shall be sixty (60) percent of the fee specified for the initial or first review of such application.
- (5) All plans must be folded to fit a legal sized file folder with the title showing in the lower right-hand corner.
- (6) Special meetings that require one or more of the City's consultants to attend shall require payment of the special meeting fee before the meeting is scheduled. Examples of special meetings include staff meetings and non-scheduled Planning Commission meetings requested by an applicant and/or developer.

1. Complete applications submitted by the deadlines posted above will be processed and placed on the next regularly scheduled Planning Commission meeting.
2. Incomplete applications or applications that do not comply with the minimum City Zoning Ordinance and/or Subdivision Regulations or applications that are not submitted by the above posted deadlines will not be placed on the next regularly scheduled Planning Commission meeting agenda.
3. The applicant will be notified if his or her application is not accepted for processing. The City Administrator and/or Zoning Administrator will discuss the reasons why the application was not accepted and the necessary steps required to meet the next meeting deadline.
4. Applicants may request a special Planning Commission meeting. Requests should be made with the City Administrator at least two weeks in advance of the requested special meeting date. The meeting will be set if approved by the Planning Commission chairperson and if a quorum can be present. A \$500 fee plus applicable application fee must be paid in advance of the meeting (See Fee Schedule and Footnotes to Fee Schedule).
5. Meeting dates are subject to change due to unforeseen scheduling conflicts and holidays. Applicants should call the City to check meeting dates in advance of the application deadlines.

ACCEPTANCE

WE, THE UNDERSIGNED, BEING ALL THE OWNERS AND LIEN HOLDERS OF THE LAND HEREIN PLATTED, DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF THE SAID PLAT AND HEREBY DEDICATE THE STREETS AS SHOWN HEREON TO THE PUBLIC USE FOREVER.

OWNER / REPRESENTATIVE  
SMILEYLAND PROPERTIES, LLC.

DATE

AKNOWLEDGEMENT

STATE OF OHIO

COUNTY OF

BE IT REMEMBERED THAT ON THIS DAY OF , 2025  
BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE  
PERSONALLY CAME , WHO THEN AND THERE DID ACKNOWLEDGE THE  
SIGNING OF THE FOREGOING  
INSTRUMENT, AND THE SAME IS HER FREE ACT AND DEED FOR THE USES AND PURPOSES THEREIN  
MENTIONED.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY SEAL OF NOTARY ON  
THE DAY , MONTH AND YEAR AFORESAID:

NOTARY PUBLIC

COMMISSION EXPIRY:

SURVEYOR'S NOTES

- NORTH AND BEARING SYSTEM REFERENCED TO THE OHIO STATE PLANE, SOUTH ZONE, NAD83 (11) AND OHIO DEPARTMENT OF TRANSPORTATION REAL TIME NETWORK, COLLECTED UTILIZING AN SP80 RECEIVER DURING A FIELD SURVEY, CONDUCTED BY B A LAND PROFESSIONALS, LLC. ON 01/13/24
- ALL DATA SOURCES, DOCUMENTS AND RECORDS SHOWN HEREON ARE ON FILE IN THE WARREN COUNTY RECORDERS OFFICE ON FILE IN LEBANON, OH.
- SURVEY PREPARED FROM FIELDWORK PERFORMED IN JANUARY OF, 2025. ALL MONUMENTATION SHOWN HEREON IS IN GOOD CONDITION UNLESS OTHERWISE NOTED.
- THE SURVEYOR DID NOT PERFORM A TITLE SEARCH ON THE SUBJECT PARCEL
- THE LANDS OF THE GRANTOR ARE SHOWN IN THEIR ENTIRETY.

DRAINAGE STATEMENT :

THE VILLAGE OF SOUTH LEBANON ASSUMES NO LEGAL OBLIGATION TO MAINTAIN OR REPAIR ANY EXISTING OR NEWLY CONSTRUCTED OPEN DRAINAGE DITCHES OR CHANNELS DESIGNATED AS DRAINAGE EASEMENTS ON THIS PLAT. THE EASEMENT AREA OF EACH LOT AND ALL OF THE IMPROVEMENTS WITHIN IT SHALL BE MAINTAINED CONTINUOUSLY BY THE LOT OWNER. WITHIN THE EASEMENTS, NO STRUCTURE, PLANTING, FENCING, CULVERT, OR OBSTRUCTION OF ANY KIND SHALL BE PLACED OR PERMITTED TO REMAIN WHICH MAY OBSTRUCT, RETARD, OR DIVERT THE FLOW THROUGH WATERCOURSE.

ZERO DETENTION/RETENTION AND STORMWATER QUALITY STRUCTURES AND FACILITIES SHALL BE MAINTAINED IN PERPETUITY BY THE LOT OWNERS OF THE DEVELOPMENT

MAP LEGEND

- FOUND 5/8" IRON PIN
- SET 5/8" X 30" IRON PIN WITH YELLOW CAP
- STAMPED "BA LAND PROS"
- SET CROSS NOTCH

BOUNDARY LINE

ADJOINER LINE

DEED REFERENCE

SITUATE IN, FRACTIONAL SECTION 31, TOWN 5, RANGE 3 M.Rs., VILLAGE OF SOUTH LEBANON, WARREN COUNTY, UNION TWP., STATE OF OHIO, CONTAINING 0.2756 ACRES AND BEING ALL OF LOTS 10 AND 11 OF THE AMBURGY SUBDIVISION, AS RECORDED IN PLAT BOOK 3, PAGE 26, AS CONVEYED TO SMILEYLAND PROPERTIES, LLC, DN 2024-027086

DRAINAGE EASEMENT NOTE

A 7.5' DRAINAGE EASEMENT IS HEREBY DEDICATED ALONG BOTH SIDES OF EACH SIDE LOT LINE CONTAINED HEREIN UNLESS NOTED OTHERWISE.  
A 15' DRAINAGE EASEMENT IS HEREBY DEDICATED ALONG THE REAR OF EACH LOT CONTAINED HEREIN UNLESS NOTED OTHERWISE

FLOOD ZONE STATEMENT

SUBJECT PARCEL LIES WITH ZONE "AE" AREA OF FLOOD HAZARD AS SHOWN ON FEMA FIRM (FLOOD INSURANCE RATE MAP) 39165C0227E, DATED 12/17/2010 AND IS LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA.

OCCUPATION STATEMENT

NO EXISTING OCCUPATION AS NOTED ALONG THE BOUNDARY LINES UNLESS SHOWN OTHERWISE.

PERTINENT DOCUMENTS

ALL PERTINENT DOCUMENTS USED TO ASCERTAIN THE BOUNDARY AS SHOWN HEREON.

RECORD PLAN  
**AMBURGY SUBDIVISION**  
**SECTION ONE A**  
BEING A REPLAT OF LOTS 10 AND 11  
OF AMBURGY SUBDIVISION  
PB 3, PG 26  
FRACTIONAL SECTION 31, TOWN 5, RANGE 3 M.Rs.  
VILLAGE OF SOUTH LEBANON, UNION TOWNSHIP  
WARREN COUNTY, STATE OF OHIO  
FEBRUARY 2025  
0.2756 TOTAL ACRES

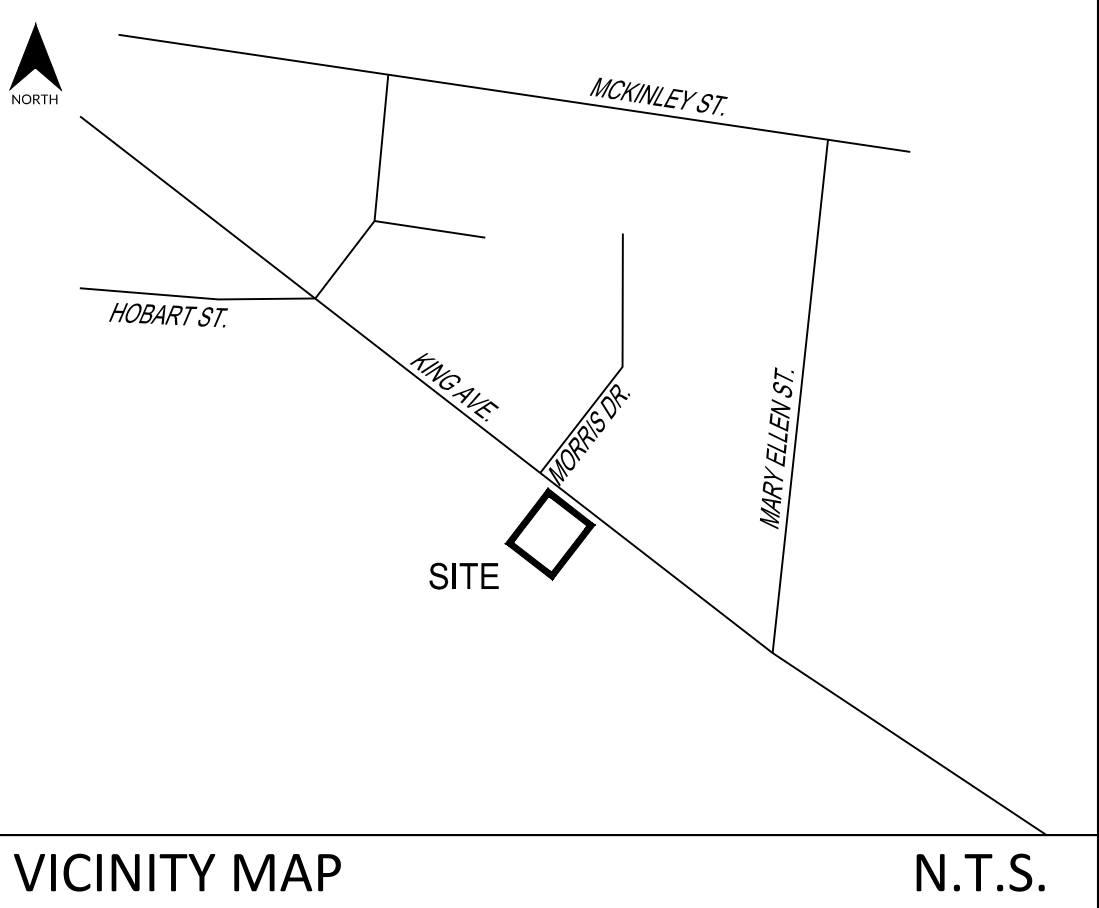
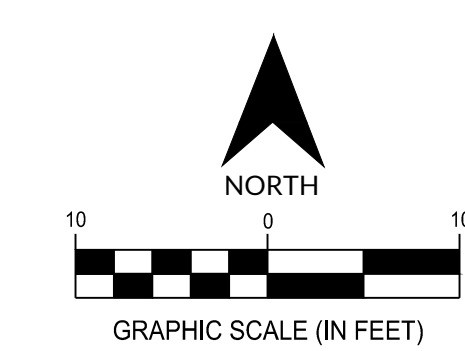


OWNER

SMILEYLAND PROPERTIES LLC  
424 SECOND ST  
MARIETTA, OH 45750

SURVEYOR

J. BRYANT ABT, PS  
OHIO P.S. # 8593  
BA LAND PROFESSIONALS, LLC  
6868 SR-133  
BLANCHESTER, OH 45107  
937.558.6671  
WWW.BALANDPROS.COM  
ABT@BALANDPROS.COM



VICINITY MAP

N.T.S.

VILLAGE PLANNING COMMISSION

I HEREBY CERTIFY THAT ON THE DAY OF 2025, THIS PLAT IS APPROVED BY THE PLANNING COMMISSION OF THE VILLAGE OF SOUTH LEBANON.

CHAIRMAN

VILLAGE COUNCIL

I HEREBY CERTIFY THAT ON THE DAY OF 2025, THIS PLAT IS APPROVED AND ACCEPTED BY ORDINANCE PASSED BY THE COUNCIL OF THE VILLAGE OF SOUTH LEBANON, OH

MAYOR

CLERK

ORDINANCE #

WARREN COUNTY OHIO AUDITOR

TRANSFERRED THIS DAY OF , 2025 @

WARREN COUNTY AUDITOR

DEPUTY AUDITOR

WARREN COUNTY OHIO RECORDER

RECEIVED THIS DAY OF , 2025@

RECORDED THIS DAY OF , 2025 @

PLAT BOOK , PAGE

FILE NUMBER , FEE OF \$

RECORDER

DEPUTY RECORDER

RECORD PLAN

AMBURGY SUBDIVISION - SECTION ONE A

263 KING AVE FR SECTION 31, TOWN 5, RANGE 3 M.Rs.  
VILLAGE OF SOUTH LEBANON, UNION TWP. WARREN COUNTY, OHIO

SCALE: 1" = 10' DATE: 02/04/2025

DESIGN:

N/A

DRAWN:

JBA

CHECKED:

DPB



LAND PROFESSIONALS

JOB NO.:

24-0521

SHEET NO.:

1 OF 1

J. BRYANT ABT, PS #8593 DATE