



City of Ashtabula

Ashtabula City Council

Community Development/Economic Development/Parks & Recreation Committee Meeting

Wednesday, August 6, 2025 at 5:30 PM

Council Chambers

4230 Lake Avenue, Ashtabula, OH 44004

Agenda

- 1. Opening of Committee Meeting**
 - a. Call to Order
 - b. Roll Call
 - c. Sunshine Law Certification
- 2. Welcome and Acknowledgement of Visitors**
- 3. City Manager's Report**
- 4. Parks & Recreation Committee Report**
- 5. Unfinished Business**
 - a. Food Truck Legislation
 - b. Small Box Retail Moratorium
 - c. Tax Abatement - "But For" Clause
- 6. New Business**
- 7. Public Communication (on Agenda Items Only)**
- 8. Next Meeting**
 - a. September 3, 2025
- 9. Adjournment**

CHAPTER 759

Temporary Stores & Mobile food vendings

759.01 Temporary stores defined.

759.02 Permit required.

759.03 Posting of permit.

759.04 Farmer's markets.

759.05 Street fairs and festivals.

759.06 Exemption from fee.

759.07 -Mobile ~~f~~Food ~~v~~Vending Definitions

759.08 Mobile ~~E~~food ~~v~~Vending - ~~Registration~~Permit Required

759.09 Mobile Food Vending - Expiration and Renewal of ~~Registration~~Permit

759.10 Mobile Food Vending - Transfer of ~~Registration~~Permit Prohibited

759.11 Mobile Food Vending - General Operational Requirements

759.12 Mobile Food Vending - ~~Location~~ Requirements.

759.13 Mobile Food Vending - Exemptions

759.14 Food Truck Parks

759.15 Ice Cream Trucks Permit Required

759.16 Ice Cream Trucks Display of Permit

759.17 Denial or Revocation of Permit

759.98 Appeals

759.99 Penalties

CROSS REFERENCES

Secondhand dealers - see BUS. REG. Ch. 743

759.01 TEMPORARY STORES DEFINED.

—“Temporary store” means any building, stand, cart, or location whatsoever which is used for the solicitation of orders for or the sale of goods, wares, merchandise or other items of personal property on a seasonal or temporary basis at said location. “Temporary store” does not include a garage or yard sale conducted pursuant to a permit issued by the City Manager under Chapter 727 of the Codified Ordinances; or a public auction conducted by a person regularly engaged in

the business of being an auctioneer. For purposes of this section, “seasonal or temporary basis” means any period of time which does not exceed 120 days.

(Ord. 2012-187. Passed 11-19-12.)

759.02 PERMIT REQUIRED.

—Except as otherwise provided in this Chapter, any person or entity operating a temporary store ~~or Food Truck~~ within the corporate limits of the City of Ashtabula, Ohio, must first obtain a permit therefore from the City Manager. The application for said permit shall fully identify the applicant by name and permanent address, generally describe the goods or wares to be sold, specify the time period in days for which the permit is sought, and state the specific location(s) of the temporary store(s). The City Manager has the right to refuse a requested location. The cost of said permit shall be \$250.00 for each location for each 30-day period or part thereof covered by the permit.

(Ord. 2012-187. Passed 11-19-12.)

759.03 POSTING OF PERMIT.

—Every temporary store shall have its current permit posted in a conspicuous location whenever it is open for business.

(Ord. 2012-187. Passed 11-19-12.)

759.04 FARMER’S MARKETS.

—(a) As used herein, “farmer’s market” means any temporary store or combination of temporary stores where three (3) or more different participating vendors offer for sale fruits, vegetables, preserves, cheeses, and similar agricultural products which are grown or produced within a 50-mile radius of the farm market location.

—(b) Farmer’s markets are required to register with the office of the City Manager and provide all the information required of other temporary stores, but shall not be charged a fee for a permit to operate during the months of June through November.

(Ord. 2012-187. Passed 11-19-12.)

759.05 STREET FAIRS AND FESTIVALS.

—The City Manager may waive the requirement of a Temporary Store permit fee for vendors who are participating in a street fair or festival which is of between one (1) and three (3) days’ duration and in which local merchants with permanent business locations inside the City also participate. Such waiver must be obtained in advance by the sponsor or sponsors of the street fair or festival. (Ord. 2012-187. Passed 11-19-12.)

759.06 EXEMPTION FROM FEE.

—A vendor may request to be exempt from paying the fee for a permit if the net proceeds of the sales are to be given or donated to a charitable organization or charitable cause, or to a religious organization. ~~Exemption requests must be approved by a majority vote of Council upon recommendation to Council by the City Manager.~~

(Ord. 2012-187. Passed 11-19-12.)

759.07 MOBILE FOOD VENDING - DEFINITIONS

- a. "Food" shall mean a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption.
- b. "Food trailer" shall mean any vehicle without motive power that is designed to be drawn by a motor vehicle and is specifically designed or used for food vending operations.
- c. "Food truck" shall mean a motorized vehicle or mobile food unit which is temporarily located on a premise to sell food items to the general public.
- d. "Ice Cream Truck" means motor vehicles from which ice cream, popsicles, ice sherbets, frozen desserts, or other similar items are sold.
- e. "Mobile food vending" shall mean a retail food establishment that is not intended to be permanent and is a motorized wheel vehicle, or a trailer that is licensed for use on public roadways, designed and equipped to serve food and beverages.
- f. "Non-Incorporated Children's Stands" shall mean a non-incorporated business that is commonly owned and operated by a child or children to sell lemonade or other beverages (e.g. iced tea, coffee, hot chocolate, etc.) and snack foods (e.g. cookies, etc.)
- g. "Operator" means the individual who manages one (1) or more mobile food vending units whether as the owner, an employee of the owner or as an independent contractor.
- h. "Special Event" means: any temporary, planned recreational event which is located wholly or partially on public property which requires coordination of City resources beyond what is normally provided. Special Event includes, but is not limited to, concerts, festivals, tournaments, residential block parties, waterway activities, timed or competitive races, fundraising runs and walks, non-motorized vehicle rides, parades, private functions and ceremonies. A Special Event does not include a Spontaneous Event, regular vehicular traffic, lawful picketing, or a funeral procession.

759.08 MOBILE FOOD VENDING - ~~REGISTRATION~~PERMIT & COMPLIANCE REQUIRED

No individual or organization shall operate, or cause to be operated, any mobile food vending unit within the corporate limits of the City of Ashtabula without a current and valid mobile food vending annual ~~registration~~permit.

No individual or organization shall operate, or cause to be operated, any mobile food vending unit within the corporate limits of the city of Ashtabula without a current and valid health license issued in accordance with laws, rules and regulations established in the Ohio Revised Code, the Ohio Administrative Code, or the Ashtabula City Codes, whichever is applicable.

~~Mobile food vending units that only operate as part of a special event shall not require a mobile food vending registration. Such units must comply with any health and fire licensing requirements of the State.~~

Nothing in this chapter shall be construed as superseding, supplanting, or otherwise replacing any duty imposed by Ohio Revised Code Chapter 3701 or 3717, or rules or regulations promulgated thereunder, upon an applicant for a health license, or upon a department of health in the conduct of its responsibilities relative to mobile food vending units.

~~Mobile food vending units that only operate as part of a special event shall not require a mobile food vending permit. Such units must comply with any health and fire licensing requirements of the State.~~

~~All registered mobile food vendors shall comply with all local and state fire codes.~~

~~A Mobile Food Vendor registration permit shall be submitted to the City Manager's Office and include the following minimum requirements:~~

- ~~a. Copy of current/valid State of Ohio mobile food vendor license;~~
- ~~b. A mobile food vending health license/permit as provided for by the State of Ohio;~~
- ~~c. Proof of registration permit with city's Income Tax Division;~~
- ~~d. Proof of current liability insurance of at least \$100,000;~~
- ~~e. A physical description of the unit proposed to be registered for mobile food vending;~~
- ~~f. The name, permanent address, telephone number, and electronic mail address of the owner of the mobile food vending unit;~~
- ~~g. A non-refundable \$80 registration permit fee;~~
- ~~h. Approval/Proof that the mobile food unit has passed a fire safety code inspection conducted by the Fire Division;~~

~~Ⓐ An applicant with an existing permanent place of business in the city is exempted from the proof of registration permit with the city's Income Tax Division.~~

~~A registration permit is not considered complete unless all minimum requirements are satisfied.~~

~~759.09 MOBILE FOOD VENDING - EXPIRATION AND RENEWAL OF REGISTRATION PERMIT~~

~~Each registration permit under this chapter shall expire on the thirty-first (31st) day of March following the date of issue.~~

~~Each permitholder registrant must comply with the application requirements of this chapter to receive a new registration permit for the succeeding registration permit period.~~

~~759.10 MOBILE FOOD VENDING - TRANSFER OF REGISTRATION PERMIT PROHIBITED.~~

~~No mobile food vending registration permit under this chapter shall be transferred or assigned by the named permitholder registrant to any other individual or organization, or to any other~~

mobile food vending unit. Should a change in ownership of a mobile food vending unit occur at any time, the succeeding owner must comply with the application requirements of this chapter.

759.11 MOBILE FOOD VENDING - GENERAL OPERATIONAL REQUIREMENTS

Mobile food vendors shall:

- 1.a.** ~~Mobile food vendors shall o~~Operate in compliance with all applicable laws including but not limited to Health, Fire, Traffic, Zoning, and local noise regulations. In all instances, the City Manager or their designee shall have the authority to remove any vendor, whether on public property or private property when selling to the general public, when said vendor's operation is deemed a safety concern.
- 2.b.** Maintain a twenty-five (25) foot radius around the unit free and clear of any refuse, and, at the conclusion of vending operations each day, collect and dispose of any refuse within the aforementioned radius as provided for herein;
- 3.c.** Provide sufficient, accessible, private refuse disposal to maintain sanitary conditions in and about the mobile food vending unit, provided that private recycling container(s) may also be used to supplement this purpose;
- 4.d.** Post, in a conspicuous place, a notice to customers requesting that they use the refuse and/or recycling receptacle(s) provided;
- 5.e.** Legally dispose of all refuse and/or recyclable materials collected under this section;
- 6.f.** Only sell or serve food sidewalk side, if vending from a street, road or alley;
- 7.g.** Comply with applicable provisions of the Americans with Disabilities Act related to pedestrian use of city sidewalks;
- 8.h.** Upon request from any person authorized under Ashtabula Codified Ordinances, provide any documentation or reservation confirmation required for mobile food vending in the public right of way;
- 9.i.** Offer to each customer a receipt; such receipt must be given by either physical or electronic means unless declined by the customer, and must contain, at a minimum, the name and telephone number of the mobile food vending unit or owner, the date of purchase, and the amount of purchase;
- 10.j.** Comply with all established parking rules and regulations, including prompt and timely payment of any applicable parking meter fees;
- 11.k.** Refrain from selling food items to occupants of vehicles stopped in traffic or to any person standing in a street of the City;
- 12.l.** Refrain from leaving the mobile unit unattended at any time during hours of operation;
- 13.m.** Refrain from causing or allowing the projection of music from a mobile food vending unit;
- n.** Refrain from causing or allowing the use of any sound system to announce the availability of goods.
- 14.o.** External signs must conform to the city zoning ordinance Chapter 1154.

759.12 MOBILE FOOD VENDING - LOCATION REQUIREMENTS.

Food Trucks may only be located on a lot with a principally permitted use on the same zoning lot (no operation on vacant lots).

No individual or organization shall cause or allow the operation of a mobile food vending unit in any of the following:

- a. In a residential zone, a food truck in any location other than a private driveway (this restriction does not apply to food trailers);
- b. Any location where parking is prohibited;
- c. A handicap parking space;
- d. A valet zone during hours of normal operation;
- e. A loading zone during hours of normal operation;
- f. Any metered parking space with a maximum parking time of thirty (30) minutes or less;
- g. Any taxi stand during hours of operation;
- h. Any bus stop at any time;
- i. The public right of way abutting a commercial establishment utilizing sidewalk dining, as this constitutes unreasonable interference with pedestrian traffic;
- j. The public right of way abutting public or city permitted bicycle parking, a fire hydrant, or a public trash or recycling receptacle;
- k. Fire lanes, designated traffic lanes, or ingress/egress to or from a building or street.
- l. Anywhere in the public right of way when a street and/or sidewalk closure has been issued by the city of Ashtabula for construction, maintenance, or any other permitted purpose, unless authorized by written agreement with the individual or entity requesting the closure;
- m. The public right of way between the hours of 11:00 a.m. and 6:00 a.m.;
- n. The public right of way within one-thousand (1,000) feet of any pre-K-12 school, provided that nothing herein shall prohibit operation on school property at the discretion of the school;
- o. Any City owned property, without the approval of the City Manager;
- p. The public right of way on either side of the portion of a street, road or alley that abuts any City of Ashtabula facility, without City Manager approval (only as part of a special event or public event);
- q. A sidewalk unless the unit is a pushcart and the vendor has the permission of the property owner abutting the sidewalk;
- r. Within one-thousand (1,000) feet of any special event, except as follows: as an authorized participant in said event or with the express written permission of the event organizer(s);
- s. Within 100 feet of a restaurant that is unaffiliated with the mobile food vending unit without permission of the restaurant owner/operator;
- t. The public right of way if the unit is not parallel to the curb;
- u. The public right of way on any bridge or other elevated roadway;
- v. The public right of way so as to unreasonably impede the flow of pedestrian traffic, including pedestrian ingress and egress from a building abutting such right of way;
- w. The public right of way so as to unreasonably impede the flow or operation of vehicular traffic; or

- x. A parking space designated as unavailable for mobile food vending by the Ashtabula Police Chief or Ashtabula Fire Chief because such location would constitute a threat to public safety.

Mobile food operations, including any canopies, signage, equipment, and seating areas, may not occupy more than three parking spaces per food unit.

759.13-MOBILE FOOD VENDING – EXEMPTIONS

The following activities are exempted from the provisions of this Chapter:

Ice Cream Trucks;

- a. Home delivery of pre-packaged and/or pre-made food.
- b. Non-Incorporated Children's Stands;
- c. Mobile Food Vehicle's Food Trucks conducting business at a particular property at the request of and with the permission of the property owner or operator of the business located on the property and which limits the sale of its food to employees or invitees of such business or property owner. Provided, however, such mobile food vending units may operate only between the hours of 9 _____ a.m. and _____ 9 p.m. in a residential district and 9 a.m. and 11 p.m. in a commercial district.

759.14 FOOD TRUCK PARKS

Food truck parks can provide a unique setting for the service of food in areas that have historically not been serviced by a concentration of traditional restaurants. Food truck parks can serve as vibrant public spaces where a variety of activities take place, but where the primary function is the sale and consumption of food from a diverse array of vendors. While the operation of food truck parks should contribute to the liveliness and vibrancy of the community, they must not be allowed to create a nuisance, either by loud music, unruly customers, or disorderly premises. Where food truck parks will further these goals without unduly impacting upon adjoining businesses or residential neighborhoods, they may be permitted pursuant to approval of the Planning Commission and City Council. as a main use subject to the following requirements:

759.15 ICE CREAM TRUCKS PERMIT REQUIRED A. ~~Space definition and location.~~

B. Operations.

C. Distance and screening requirements.

Any person or entity desiring to obtain or renew an ice cream truck operator's permit shall be required to file all of the following information with the City Manager:

- a. A valid state-issued identification card including legal name, date of birth and residence address of the applicant. If the applicant is a partnership or corporation, the information from all partners or officers is required.

- b. A list of any person(s) who will operate or work within the ice cream truck, including the full legal name, date of birth, and residence address. This list must be kept current with the City at all times.
- c. The year, make, model and color of the motor vehicle that will be used as an ice cream truck and a valid sticker indicating passage of a motor vehicle inspection (MVI) conducted by the Ohio State Highway Patrol. Any vehicle used as an ice cream truck must maintain a valid MVI sticker at all times.
- d. A copy of a registration certificate issued by the Ohio Bureau of Motor Vehicles is to be provided to the City for any vehicle to be operated as an ice cream truck.
- e. Proof of valid insurance for the vehicle and liability insurance of no less than three hundred thousand dollars (\$300,000) with the City named as an additional insured.

759.16 ICE CREAM TRUCKS DISPLAY OF PERMIT

The permit provided by the City must be displayed at all times in a place upon the vehicle that is easily visible to the public.

759.17 DENIAL OR REVOCATION OF PERMITS

The City Manager may refuse to issue permits and/or revoke permits under this Chapter if any of the following apply:

1. Fraud, misrepresentation or bribery in securing a permit or during the course of business; or
2. Violation of any provision of this chapter; or
3. Failure to display the Mobile Food permit as issued; or
4. Failure to have valid permits or licenses required by the Health Department or any other City of Ashtabula, state or federal agency; or
5. Conviction of any criminal or traffic offense while using a Mobile Food Vending unit; or
6. For any of the reasons which could have been grounds for refusing to issue the original license; or
7. Knowingly allowing another person to use a Mobile Food Vending unit in violation of any provision of this chapter.
8. For other good cause at the discretion of the City Manager. Rejected applicants may file an appeal with City Council, as provided in Chapter 1111 of the Codified Ordinances of the City of Ashtabula.

759.98 APPEALS.

In the event that a Permit Application is denied, or in the event that a previously issued permit is revoked pursuant to the authority granted herein, the decision to deny or revoke the permit may be appealed to City Council by the party filing the original application. The following provisions shall govern the application process and process for an appeal:

(1) Timely Appeal Required. The appeal shall be filed within five (5) calendar days after the issuance of the determination to deny a permit or revoke a previously issued permit.

(2) Application Form Required. The appeal shall be made on the application form prescribed by the office of the City Manager.

(3) Application Materials and Fees Required. The appeal shall be filed in person and shall include the following information:

A. Application Form;

B. A fee of forty dollars (\$40.00) shall be paid to the City Manager at the time the notice of appeal is filed, which fee shall be paid into the City Treasury for the purpose of defraying the costs of advertising, investigating and hearing the appeal.

C. A copy of the original application and filing seeking a permit to conduct activities as regulated by this Ordinance; along with the receipt evidencing receipt of the request by the City and the payment of the required fees, or in the case of an appeal involving a permit revocation, a copy of the issued permit;

D. A copy of the signed written denial letter issued by the City, or in the case of a permit revocation, a copy of the written order issued by the City revoking the previously issued permit;

E. A written statement documenting the reasoning for the appeal and how the adverse decision specifically results in the imposition of an undue hardship upon the appealing party.

(4) Certification of Application. Upon receipt of the appeal, the City Manager, or a designated representative, shall immediately date-stamp the request and shall review the application for completeness, to ensure that the required documentation has been provided.

(5) Review Process. After processing the request and determining that all required information has been provided by the appealing party, the City Council shall review the request and shall issue a determination as to whether to grant the appeal, or to uphold the determination within ten (10) business days of receiving the appeal.

(6) City Council's Determination. In reviewing the request, the City Council may review the totality of the evidence presented and may conduct other investigatory and fact-finding activities prior to issuing a determination regarding the appeal, provided that the determination is issued within the required ten (10) day period as prescribed herein. The City Council's determination shall be evidenced in writing and furnished to the appealing party. The determination of the City Council shall be final and nonappealable.

(7) Supplementary Conditions and Safeguards. In granting any appeal, the City Council may prescribe appropriate conditions and safeguards to assure conformity with the intent of this Ordinance, any other adopted City Ordinance or policy, or as required to protect public health and safety. Violation of such conditions and safeguards when made a part of

the terms under which the appeal is granted shall be deemed a violation of this Ordinance, punishable under this Ordinance.

759.99 PENALTIES.

—(a) Any person or entity that violates Section 759.02 is guilty of a minor misdemeanor on a first offense and a fourth degree misdemeanor on a second or subsequent offense after a predicate conviction. Each day that such violation continues shall constitute a separate offense.

—(b) Any person or entity that violates any other provision of this Chapter is guilty of a minor misdemeanor. Each day that such violation continues shall constitute a separate offense.

(c) A conviction under this section shall automatically revoke a permit issued pursuant to this Chapter.

(d) In addition to the penalties described herein, repeat offenders may be either temporarily or permanently banned from filing future applications seeking authorization to conduct activities regulated by this Ordinance, to be determined at the City Manager's sole discretion. The City Manager's determination to temporarily or permanently suspend or bar repeat offenders shall be final and non-appealable.

~~(Ord. 2012-187. Passed 11-19-12.)~~

CITY OF ASHTABULA



FOOD TRUCK PERMIT APPLICATION

A Food Truck Permit is issued for one year or a fraction thereof and expires on March 31st.

Company Name _____ Federal Tax ID _____

Type of Ownership *Sole Proprietorship* *Partnership* *Corporation* *Other*

Company Mailing Address _____

Responsible Party _____

Email _____ Contact Phone _____

Website/Social Media _____

Please attach the following documents in order for your application to be processed:

1. Copy of current/valid State of Ohio mobile food vendor license;
2. A mobile food vending health license/permit as provided for by the State of Ohio;
3. Proof of permit with city's Income Tax Division;
4. Proof of current liability insurance of at least \$100,000;
5. A physical description of the unit proposed to be registered for mobile food vending;
6. The name, permanent address, telephone number, and electronic mail address of the owner of the mobile food vending unit;
7. A non-refundable \$80 permit fee;
8. Approval/Proof that the mobile food unit has passed a fire safety code inspection conducted by the Fire Division;

An application is not considered complete/submitted until all required documentation is submitted.

Once the above documents are received and approved, the City Manager (or his designee) will review for issuance of a permit.

The requirements for operating a food truck within the City of Ashtabula, Ohio are attached.

By signing below, you acknowledge you have read them and will operate within the established requirements.

Applicant Signature _____ Date _____

Questions regarding this application? Please contact the Ashtabula City Manager's Office at 440.992.7103.

RESOLUTION NO. 2025 - 135

A RESOLUTION IMPOSING A MORATORIUM ON SMALL BOX RETAIL / DISCOUNT STORES

WHEREAS, the daily operations of the City of Ashtabula and the City Manager's Department require the enactment of this legislation; and,

WHEREAS, the City of Ashtabula has issued a Request for Proposals in order to update its comprehensive plan and update the zoning code; and

WHEREAS, the comprehensive plan is based on research and analysis of the City's existing development conditions and trends, including an analysis of public and private business activities, land uses, transportation and community facilities; and,

WHEREAS, implementing changes to the comprehensive plan will also require extensive revisions to the City's zoning code; and,

WHEREAS, this City Council recognizes the need to assure certain land uses and developments are property zoned to ensure alignment with the comprehensive plan and to mitigate the potential harmful impact such developments can have on residential and commercial areas; and.

WHEREAS, the City needs time to conduct the comprehensive plan review and zoning code updates and determine the impact such land uses and developments could have on the City to assure they are properly zoned and desires to maintain the status quo while doing so; and.

WHEREAS, this Council finds it to be in the best interest of the health, safety and general welfare of the citizens of the City of Ashtabula to adopt a moratorium on the establishment or commencement of certain land uses and developments, including processing and issuance of zoning authorization and certificates within the City to allow ample time to conduct the comprehensive plan revisions and zoning code updates.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Ashtabula, Ohio:

SECTION 1. It is the intent of this Resolution to establish a temporary moratorium on the establishment or commencement of certain land uses and developments within in the City of Ashtabula. The purpose of this moratorium is to maintain the status quo while the City reviews and studies these types of land uses and developments to determine appropriate zoning regulations. The moratorium is necessary to ensure future developments align with the updates to the comprehensive plan and to protect residential neighborhoods and commercial corridors from potentially negative secondary effects created by such land uses and developments, including but not limited to increased traffic, transient visitor activity, blighted conditions, noise and crime.

SECTION 2. A temporary moratorium is hereby imposed on the establishment or commencement of the following facilities and developments, or similar land uses, within the City of Ashtabula from the effective date of this resolution until such time as the comprehensive plan and zoning code is updated, unless ended earlier by action of this City Council. Said moratorium my be reasonably extended by Council, if necessary.

Small box retail/discount stores. Small box retail/discount store means a retail store that has a floor area of more than 5,000 square feet and less than 12,000 square feet and that offers for sale (1) a combination and variety of convenience shopping goods and consumer shopping goods; and (2) the majority of the items in the inventory at a price not to exceed \$10. Small box retail/discount store does not include a pharmacy, a hardware store, or specialty items and food items as a primary product (i.e., consignment, meats, fruits, vegetables, seafood, cheese, or oils and vinegars).

Exemptions:

This moratorium shall not apply to any proposed retail establishment that meets at least one of the following criteria:

- (a) Fresh Food Provision

The establishment allocates a minimum of 15% of its total retail shelf space (excluding storage areas) to the sale of fresh, unprocessed food items, including but not limited to fruits, vegetables, dairy, meat, poultry, seafood, or fresh bakery items.

(b) Pre-existing Application

The business submitted a complete and valid application for occupancy, zoning, or business licensing prior to the effective date of this ordinance.

(c) Local Ownership

The business is independently owned and operated, with no corporate affiliation to a regional or national chain operating more than 10 locations.

(d) Mixed-Use or Public Benefit Location

The business is located in a mixed-use development, provides a recognized public benefit, or shares space with services such as a pharmacy, medical clinic, or food vendor who uses fresh ingredients also available for individual retail sale.

(e) Prior Use as Convenience Store

The location was previously used and legally operated as a convenience store, and the proposed use does not significantly expand the size, scope, or nature of the prior use.

SECTION 3. No facilities, land uses, developments, or similar uses, as determined by the City Manager or his/her designee listed in Section 2 above shall be established or shall commence operations within the City of Ashtabula until such time as the comprehensive plan and zoning code updates are completed and adopted by this City Council. This includes the processing of applications and issuance of zoning authorizations for the establishment, expansion, or change of use for the aforementioned business services.

SECTION 4. the City Manager is hereby directed to study these types of uses as part of the comprehensive plan and zoning code update in order to bring the zoning code into greater alignment with the revised comprehensive plan. The City Manager is also directed to recommend to the City Council, as soon as is practical, the appropriate zoning for the uses listed in Section 2.

SECTION 5. It is hereby found and determined that all formal actions of this Council concerning and related to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its Committees that resulted in such formal action were in meetings open to the public in compliance with the requirements of Section 10 of the Municipal Charter of the City of Ashtabula, Ohio, and of Section 121.22 of the Revised Code of Ohio.

SECTION 6. For the reasons stated in the preamble, this ordinance, if approved by the votes of five (5) or more members of Council, shall take effect immediately, otherwise 30 days thereafter.

PASSED: _____

John S. Roskovics
President of Council

Vote:

	Yea	Nay
Roskovics:	___	___
Simeone:	___	___
Foglio:	___	___
Guerriero:	___	___
Holman:	___	___
Mills:	___	___
DiGiacomo:	___	___

ATTEST: _____
Stacy I. Millberg
Clerk of Council

APPROVED: _____
James M. Timonere
City Manager

Approved as to form and correctness this _____ day of _____, 2025.

*Cecilia M. Cooper, Esq.
Ashtabula City Solicitor*