

**City of Bisbee
 Planning and Zoning Commission Special Meeting
 Via GoTo Meeting Platform
 76 Erie Street, Bisbee, Arizona 85603
 February 25, 2021, @ 5:30 pm**

Action Agenda

THE ORDER OR DELETION OF ANY ITEM ON THIS AGENDA IS SUBJECT TO MODIFICATION AT THE MEETING.

Call to Order: 5:30PM

Roll Call - Commission Members

	Present	Absent	Excused
John Balas	X		
Douglas Dunn	X		
Sandy Heusman	X		
Nancy Parana	X		
Jennifer Ryan	X		
Michael Schmitzer	X		
Mike Ablin	X		
Louis Pawlik – Council Liaison to the Commission		X	
Joe Ward – Staff Liaison to the Commission	X		

CALL TO THE PUBLIC –None

Agenda Item 1.

Introduction of New Member Mike Ablin.

Agenda Item 2.

Public Hearing on a proposed amendment to the Zoning Code.

Possible Recommendation to the Mayor and Council.

Consideration of a proposed amendment to the Zoning Code to establish Article 10B- Recreational Marijuana Establishments and Testing Facilities.

Commissioner Dunn opened the Public Hearing

The Commission discussed the proposed amendment to the Zoning Code to establish Article 10B-Recreational Marijuana Establishments and Testing Facilities.

- **Why it needed to be addressed in the Zoning Code.**
- **What was the definition of a Testing Facility: Means the Department or another entity that was licensed by the Department to analyze the potency of marijuana and test marijuana for harmful contaminants.**
- **Locations are the same for medical marijuana dispensaries and Recreational Marijuana Establishments and Testing Facilities.**
- **Should CM 1 & 2 be included for locations for Recreational Marijuana Testing Facilities.**
- **Special Use Permit for use; within one of the designated districts, subject to the terms and conditions as the Mayor and Council may impose on such use. It was revocable and could be very defined.**

MOTION: Mike Ablin moved to approve Article 10B Recreational Marijuana Establishments and Testing Facilities as presented to the Planning and Zoning Commission
SECOND: Mike Schmitzer

ROLL CALL: AYES, Balas, Dunn, Heusman, Parana, Ryan, Schmitzer and Ablin.
NAYES: 0

MOTION PASSED: UNANIMOUSLY

Agenda Item 3.

Discussion regarding Auxiliary Dwelling Units.

At the last meeting Thursday, January 21, 2021 it was asked, that we ask if there was law prohibiting regulations.

Per the City Attorney: The City has broad authority to determine and regulate zoning matters. It is possible there was confusion over the regulation of ADUs and the legislation passed imposing limitations on what a city or town could do concerning short term rentals or vacation rentals such as VRBO and Air B&B. However, even that legislation provides cities and towns the ability to adopt and enforce zoning ordinances for vacation and short-term rentals, if the ordinance is applied in the same manner as other property. The City may impose appropriate regulations and zoning requirements for ADUs.

The Commission discussed Auxiliary Dwelling Units.

- **Mr. Ward will bring information to the Commission regarding what other cities and towns are doing regarding ADU's.**

COMMISSIONER COMMENTS:

Please refrain from any discussion, comments only.

- **Mr. Ablin spoke regarding the opportunity to serve on the Planning & Zoning Commission and being a part of the Bisbee Community. The Commission introduces themselves to Mr. Ablin,**

FUTURE AGENDA ITEM SUGGESTIONS (Board members may suggest topics for future meeting agendas, but Board will not here discuss, deliberate or take any action on these topics.)

- **At the March meeting the commission will discuss a petition to increase off-street parking on upper Ok Street. A public hearing will be held once we have the survey. To decide to sell this City property.**

Adjournment: 6:31 PM

Mike Ablin

John Balas