

City of Byron  
Mayor and Council Minutes  
October 3, 2022

The City of Byron Mayor and Council met in special session in the Council Chambers at the Municipal Complex. Mayor Michael Chidester, James Richardson, Rusty Adams, Michael Chumbley, Chris Hodges and Alan Dorsey were in attendance. City employees that attended were City Clerk Telina Allred, City Administrator Tiffany Sandefur, Planning & Zoning Administrative Assistant Kevin Clance and Police Chief Wesley Cannon. There were no visitors or media at the meeting.

Mayor Chidester called the meeting to order at 4:30 am.

MORATORIUM REGARDING C-2 DISTRICT: The Mayor and Council discussed needing to revisit the zoning requirements for the C-2 district to declare what the city will or will not allow in that area of town as well as the aesthetics of such businesses. Planning & Zoning Administrative Assistant Kevin Clance was tasked with looking at the design standards of other cities regarding what they will allow. Motion was made by Alan Dorsey, seconded by Chris Hodges to approve the following Resolution to impose a temporary moratorium on the zoning, permitting, development, construction, and land use in all land parcels zoned as C-2 downtown business district within the territorial limits of the City of Byron until March 15, 2023. Unanimous. Note that the date in the original Resolution was amended from February 28, 2023 to March 15, 2023. (Resolution on file in the City Clerk's office at the Municipal Complex.)

**A RESOLUTION PURSUANT TO THE CHARTER AND CODE OF BYRON, ESTABLISHING A TEMPORARY MORATORIUM ON THE ZONING, PERMITTING, DEVELOPMENT, CONSTRUCTION, AND LAND USE IN ALL LAND PARCELS ZONED AS "C-2 DOWNTOWN BUSINESS DISTRICT" WITHIN THE TERRITORIAL LIMITS OF THE CITY OF BYRON UNTIL MARCH 15, 2023; AND FOR OTHER PURPOSES.**

**WHEREAS**, The City of Byron, a municipality in Peach County, State of Georgia, is lawfully empowered to regulate zoning, construction, development, permitting, and land use standards within its jurisdiction; and

**WHEREAS**, the current Appendix A - Land Development, Zoning Ordinance And Subdivision Regulation, was adopted September 6, 1994, and has been amended from time to time; and

**WHEREAS**, since 1994 and, more recently according to the 2020 Census data, the City of Byron has experienced significant population growth which has in turn created significant

development, particularly commercial development, which growth creates and presents situations and issues for the City, its citizens, and businesses, which may be better addressed by the Ordinances and Land Use regulations when reviewed, amended, and revised, from time to time; and

**WHEREAS**, the City of Byron considers its ability and duty to regulate land use, permitting, development, construction, and similar matters as valid, substantial, important, and necessary purposes which justify review, regulation, and revision, from time to time; and

**WHEREAS**, the “C-2” zoning regulation found in the Code of Ordinances of Byron, Appendix A - Land Development, Zoning Ordinance And Subdivision Regulations, Part IV et. seq. exists as part of the overall land use regulations for the City of Byron and is commonly known as the “Downtown Business District”; and

**WHEREAS**, the aforementioned land zoned as “C-2 Downtown Business District” primarily and generally lies within the historical downtown area of the City of Byron; and

**WHEREAS**, the Mayor and City Council and its departments and commissions desire to review those portions of the City Code, including the Appendix A - Land Development, Zoning Ordinance And Subdivision Regulations, including but not limited to Zone C-2 Downtown Business District, which relate to zoning, construction, development, permitting, and land use standards within its jurisdiction to ensure that such regulations are properly drawn to both protect the interest of the community as a whole, as well as protect the vested and individual rights of Byron citizens and businesses; and

**WHEREAS**, a review of the current code and land use regulations is to be undertaken promptly but with all deliberate speed, and is estimated to require at least four months to complete; and

**WHEREAS**, during the period of review, proposal, consideration, hearings, notices, amendments, and adoption of any changes to the Code, the City of Byron desires to maintain the status quo and provide consistent regulations going forward; and

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**WHEREAS**, in order to have the time necessary to review and revise the City's ordinances, land use regulations, zoning districts for all purposes, the Mayor and Council desire to enact this temporary moratorium to maintain and protect the status quo and allow the governing authority to take those steps necessary, including public comments and hearings, in developing regulations for purposes stated herein; and

**WHEREAS**, the Mayor and Council define the institution of such a reasonable, temporary moratorium to be substantially related to the public health, safety, morals, and general welfare of the City and its citizens and its businesses, and further funds that the action taken herein is in the interest of the public, generally, as distinguished from those of a particular class, and further that said action is necessary to accomplish the purposes outlined herein and will not be unduly burdensome or oppressive upon citizens and businesses; and

**WHEREAS**, this temporary moratorium is adopted pursuant to the police powers of the governing body of the City of Byron for the purposes of protecting the public interest and in order to avoid issues relating to the proper designations of zoning and regulation of land uses and permitting, and the moratorium is narrowly tailored to meet such purposes, and the moratorium is established for the shortest reasonably possible duration so that the purpose of the moratorium can be met in a reasonable time; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council and Mayor of the City of Byron, Georgia, that:

The City formally establishes and imposes a temporary moratorium on zoning, rezoning, development, construction, permitting, land use, and related matters only in those portions within in the City of Byron designated as "C-2 Downtown Business District." Such moratorium shall be in effect for until March 15, 2023, or until such time as the City revokes said moratorium by Resolution, whichever occurs first.

During this moratorium, the status quo shall be preserved. The various departments, commissions, agents, employees, and staff of the City of Byron will not accept, review, approve, or grant new applications for zoning, rezoning, development, construction, permits, land uses, and related matters within areas designated "C-2 Downtown Business District."

During this moratorium, the Mayor and City Council, along with its various departments, commissions, agents, employees, and staff of the City of Byron shall seek to review, amend, edit, and revise the City's ordinances, land use regulations, zoning districts for all purposes and to provide for the orderly zoning, rezoning, development, permitting, construction, and land uses within the City of Byron, including but not limited to those areas designated as "C-2 Downtown Business District."

This moratorium shall not be applicable to any current land uses for which a permit has been issued by the appropriate City of Byron department prior to the effective date hereof.

This moratorium is effective as of the date and time of its adoption as set out below.

**AND, BE IT FURTHER RESOLVED** by the City Council and Mayor of the City of Byron, Georgia, that all Resolutions or parts of Resolutions in conflict herewith are rescinded until such time as this moratorium terminates.

**ADOPTED** this 3rd day of October, 2022.

ADJOURNMENT: Michael Chumbley made a motion, seconded by Chris Hodges to adjourn the Council Meeting 4:47 PM. Unanimous.

Telina Allred  
Clerk of Council