

HABERSHAM COUNTY BOARD OF COMMISSIONERS

EXECUTIVE SUMMARY

SUBJECT: Consideration Resolution 2026-02-002 Extending the Limited Moratorium on Acceptance of Certain Residential Development and Rezoning Applications

DATE: February 9, 2026

☒ **RECOMMENDATION**

☐ **POLICY DISCUSSION**

BUDGET INFORMATION:

☐ **STATUS REPORT**

ANNUAL-

☐ **OTHER**

CAPITAL-

COMMISSION ACTION REQUESTED ON: February 16, 2026

PURPOSE: To extend the limited moratorium currently in effect, which is scheduled to expire on February 17, 2026, for an additional 30 days through March 17, 2026, in order to allow the County additional time to review proposed amendments to the Comprehensive Land Development Ordinance (CLDO) related to growth management, land use, development regulations, and infrastructure planning.

This short-term extension will allow continued review and coordination among County staff, the Planning Commission, Public Works Department, the County Attorney, and the County's consultant, and will also provide sufficient time for public advertisement of a public hearing, should the Board determine that an additional extension beyond March 17, 2026 is necessary. If a further extension is considered, the public hearing would need to be scheduled for the Board of Commissioners meeting on March 16, 2026

BACKGROUND / HISTORY

The Habersham County Comprehensive Land Development Ordinance (CLDO) regulates zoning and land use in the unincorporated areas of Habersham County. The Board of Commissioners has directed the Planning and Development Department, Planning Commission, and Public Works Department to review potential updates to the CLDO related to growth management and development regulations. The Board has also engaged a third-party consultant to propose revisions to the ordinance.

On September 15, 2025, the Board adopted an emergency moratorium barring acceptance of applications for rezoning to the LI-R, MI-R, and PD districts and applications for preliminary plat approval for residential developments of five lots or more. On October 20, 2025, the Board adopted a limited moratorium continuing those restrictions. The consultant has completed a preliminary draft of revisions, and the County is continuing to review and evaluate potential amendments.

FACTS AND ISSUES:

- The proposed resolution extends the limited moratorium through March 17, 2026.
 - The moratorium applies to:
 1. Applications for rezoning to LI-R, MI-R, and PD zoning districts; and
 2. Applications for preliminary plat approval for residential developments of five lots or more.
 - The extension is intended to support orderly growth and allow time for infrastructure planning related to future development.
 - The moratorium would terminate on the earliest of:
 - March 17, 2026;
 - Approval by the Board of an additional moratorium after a public hearing; or
 - Board action terminating the moratorium earlier.
-

OPTIONS:

1. Approve the resolution extending the moratorium through March 17, 2026.
2. Deny the resolution and allow acceptance of applications to resume February 17, 2026.
3. Modify the moratorium extension timeframe or scope.

RECOMMENDED SAMPLE MOTION: ““I move to approve Resolution 2026-02-002 extending the limited moratorium on acceptance of applications for preliminary plat approval for residential developments of five lots or more and rezoning to the Residential Single Family (LI-R), Residential Multi-Family (MI-R), and Planned Development (PD) land use districts through March 17, 2026.”

DEPARTMENT:

Prepared by: Tim Sims, County Manager

Director: Tim Sims, County Manager

ADMINISTRATIVE**COMMENTS:**

_____**DATE:**_____

County Manager

**A RESOLUTION OF THE HABERSHAM COUNTY BOARD OF
COMMISSIONERS EXTENDING THE LIMITED MORATORIUM ON ACCEPTANCE
OF APPLICATIONS FOR PRELIMINARY PLAT APPROVAL FOR RESIDENTIAL
DEVELOPMENTS OF FIVE LOTS OR MORE AND REZONING TO THE
RESIDENTIAL SINGLE FAMILY (LI-R), RESIDENTIAL MULTI-FAMILY (MI-R), AND
PLANNED DEVELOPMENT (PD) LAND USE DISTRICTS**

WHEREAS, the Habersham County Comprehensive Land Development Ordinance (“CLDO”) regulates zoning and the use of property throughout the unincorporated areas of Habersham County, Georgia (“County”); and

WHEREAS, the Habersham County Board of Commissioners (“Board”) has directed the Habersham County Planning and Development Department (“Planning Department”), Planning Commission, and Public Works Department to review and consider possible changes related to growth management, land use, development regulations, and related matters, to include but not limited to, review and consideration of updates to the CLDO; and

WHEREAS, the Board has also engaged a third-party consultant (“Consultant”) to propose potential changes to the CLDO; and

WHEREAS, the Consultant has completed a preliminary draft of revisions to the CLDO and the Planning Department, Planning Commission, Public Works Department, and the County Attorney are in the process of reviewing, considering and drafting potential further amendments to the CLDO; and

WHEREAS, on September 15, 2025, the Board adopted an emergency moratorium barring the acceptance of applications for rezoning to the Residential Single Family (LI-R), Residential Multi-Family (MI-R), and Planned Development (PD) land use districts, and applications for preliminary plat approval for residential developments of five lots or more; and

WHEREAS, on October 20, 2025, the Board adopted a limited moratorium on acceptance of applications for preliminary plat approval for residential developments of five lots or more and rezoning to the Residential Single Family (LI-R), Residential Multi-Family (MI-R), and Planned Development (PD) land use districts, and applications for preliminary play approval for residential developments of five lots or more; and

WHEREAS, the Board desires to extend the moratorium on submission and consideration of applications for rezoning to the Residential Single Family (LI-R), Residential Multi-Family (MI-R), and Planned Development (PD) land use districts, and applications for preliminary plat approval for residential developments of five lots or more, while it reviews the preliminary draft from the County’s Consultant, and considers any potential further amendments which may be proposed by the Planning Department, Planning Commission, Public Works Department, and County Attorney, until the Board can plan and provide for adequate infrastructure to support future development; and

WHEREAS, the Board finds a moratorium barring until March 17, 2026, the acceptance of applications for rezoning to the Residential Single Family (LI-R), Residential Multi-Family (MI-R), and Planned Development (PD) land use districts, and applications for preliminary plat approval for residential developments of five lots or more, to be reasonably necessary, the least restrictive means available, a reasonable exercise of the County's police power, and in the best interests of the public health, safety, and welfare.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF HABERSHAM COUNTY, GEORGIA, AS FOLLOWS:

1. The Board does hereby enact a moratorium barring until March 17, 2026, applications for rezoning to the Residential Single Family (LI-R), Residential Multi-Family (MI-R), and Planned Development (PD) land use districts, and applications for preliminary plat approval for residential developments of five lots or more. The purpose of this moratorium is for staff to review possible code changes related to growth management, land use, development regulations, and related matters, to include but not limited to review and consideration of updates to the CLDO.
2. The moratorium imposed by this Resolution shall terminate on the earliest date of (1) March 17, 2026; (2) approval by the Board of an additional moratorium after a public hearing; or (3) affirmative action by the Board terminating the moratorium imposed by this Resolution.
3. This Resolution shall be effective upon a majority vote by the Board.

SO RESOLVED this 16th day of February, 2026, the public's health, safety, and welfare demanding it.

**HABERSHAM COUNTY BOARD
OF COMMISSIONERS**

ATTEST

By: _____
Bruce Harkness, Chairman

By: _____
Brandalin Carnes, County Clerk

[COUNTY SEAL]