

HABERSHAM COUNTY BOARD OF COMMISSIONERS

EXECUTIVE SUMMARY

SUBJECT: Consideration Resolution 2026-03-001 Extending the Limited Moratorium on Acceptance of Certain Residential Development and Rezoning Applications

DATE: March 6, 2026

(X) RECOMMENDATION

() POLICY DISCUSSION

BUDGET INFORMATION:

() STATUS REPORT

ANNUAL-

() OTHER

CAPITAL-

COMMISSION ACTION REQUESTED ON: March 16, 2026

PURPOSE: To extend the limited moratorium currently scheduled to expire on March 17, 2026, through May 19, 2026. The moratorium was originally scheduled to expire on February 17, 2026, but was previously extended 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.

The short-term extension from February 17, 2026 to March 17, 2026 also provided the time necessary to properly advertise and conduct a public hearing regarding a potential additional extension of the moratorium. This proposed extension would allow continued review and coordination among County staff, the Planning Commission, the Public Works Department, the County Attorney, and the County's consultant, and provide additional time to evaluate potential revisions to the CLDO and related infrastructure planning considerations.

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 assist with proposed 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 since completed a preliminary draft of revisions, and County staff and the Planning Commission are continuing to review and evaluate potential amendments.

On February 17, 2026, the Board approved a short-term extension of the moratorium through March 17, 2026, to allow additional time for ordinance review and to provide sufficient time to advertise and conduct a public hearing regarding a potential further extension of the moratorium.

FACTS AND ISSUES:

- The proposed resolution extends the limited moratorium through May 19, 2026.
 - The moratorium applies to:
 1. Applications for rezoning to the LI-R, MI-R, and PD zoning districts; and
 2. Applications for preliminary plat approval for residential developments of five lots or more.
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- The extension is intended to support orderly growth management and infrastructure planning while the County completes its review of potential amendments to the CLDO.
 - The moratorium would terminate on the earliest of:
 1. May 19, 2026;
 2. Approval by the Board of Commissioners of additional action modifying or extending the moratorium after a public hearing; or
 3. Board action terminating the moratorium earlier.
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OPTIONS:

4. Approve the resolution extending the moratorium through May 19, 2026.
 5. Deny the resolution and allow acceptance of applications to resume March 17, 2026.
 6. Modify the moratorium extension timeframe or scope.
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7. **RECOMMENDED SAMPLE MOTION:** “I move to approve Resolution 2026-03-001 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 May 19, 2026.”
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DEPARTMENT:

Prepared by: Tim Sims, County Manager

Director: Tim Sims, County Manager

ADMINISTRATIVE

COMMENTS: _____

_____ **DATE:** _____

County Manager

2026-03-001

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 plat approval for residential developments of five lots or more; and

WHEREAS, on February 16, 2026, the Board extended 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, and applications for preliminary plat approval for residential developments of five lots or more; and

WHEREAS, the Board desires to further 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, to allow the continued review of 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 May 19, 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 May 19, 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) May 19, 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 March, 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]

THE NORTHEAST GEORGIAN
2440 OLD ATHENS HWY
PO BOX 1555
CORNELIA GA 30531
(706)778-4215
Fax (706)778-4114

ORDER CONFIRMATION

Salesperson: NEG HOUSE ACCOUNTS

Printed at 02/04/26 14:28 by bwalk-cn

Acct #: 13748

Ad #: 899237

Status: New

HABERSHAM CTY BOARD OF COMMISSIONERS
130 JACOB'S WAY SUITE 302
CLARKESVILLE GA 30523

Start: 02/25/2026 Stop: 02/25/2026
Times Ord: 1 Times Run: ***
NELEG 1.00 X 2.98 Words: 200
Total NELEG 2.98
Class: 4160 PUBLIC HEARINGS
Rate: LEGW Cost: 30.00
Ad Descrpt: PUB HEAR RES EXT MRTORIUM
Descr Cont: ACCEPT APPS PRELIM PLAT
Given by: *
P.O. #: BRANDOLIN CARNES
Created: bwalk 02/04/26 14:24
Last Changed: bwalk 02/04/26 14:28

Contact: BRANDALIN CARNES
Phone: (706)839-0215
Fax#:
Email: bcarnes@habershamga.com
Agency:

PUB ZONE EDT TP RUN DATES
NEG A 96 S 02/25

AUTHORIZATION

Under this agreement rates are subject to change with 30 days notice. In the event of a cancellation before schedule completion, I understand that the rate charged will be based upon the rate for the number of insertions used.

Name (print or type)

Name (signature)

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NOTICE OF PUBLIC HEARING

HABERSHAM COUNTY, GEORGIA
Please take notice that the following item(s) is under consideration by the Habersham County Board of Commissioners: Resolution 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: The Habersham County Board of Commissioners is considering the extension of a moratorium on acceptance of applications for residential developments of five lots or more and rezoning to the LI-R, MI-R, and PD Land Use Districts originally adopted on October 20, 2025, and extended on February 16, 2026. The Board of Commissioners Public Hearing will be held on Monday, March 16, 2026, at 6:00 PM in the Habersham County Courthouse located at 295 Llewellyn Street, Clarkesville, Georgia. Interested persons are invited to attend.
1C-2/25/26