

HABERSHAM COUNTY BOARD OF COMMISSIONERS

EXECUTIVE SUMMARY

SUBJECT: Consideration Resolution 2026-06-002 Extending the Limited Moratorium on Acceptance of Certain Residential Development and Rezoning Applications

DATE: June 11, 2026

BUDGET INFORMATION:

~~ANNUAL-~~

~~CAPITAL-~~

☒ **RECOMMENDATION**

☐ **POLICY DISCUSSION**

☐ **STATUS REPORT**

☐ **OTHER**

COMMISSION ACTION REQUESTED ON: June 15, 2026

PURPOSE: To extend the limited moratorium currently scheduled to expire on June 16, 2026, through July 21, 2026. The moratorium was originally adopted on October 20, 2025 and set to expire on February 17, 2026, but was subsequently extended 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. On March 16, 2026, the Board further extended the moratorium through June 16, 2026, to allow for an election to fill the vacant District 3 Commission seat so that the constituents of that district could be represented before final consideration of proposed CLDO revisions.

The Board of Commissioners desires to further extend the moratorium through July 21, 2026, to allow the newly elected District 3 Commissioner sufficient time to review the proposed CLDO amendments and recommend any necessary revisions, as well as to allow consideration of revisions resulting from recent public input meetings. The proposed amendments remain under review and have not yet been finalized for Board consideration.

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 16, 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.
 - On March 16, 2026, the Board approved an additional extension of the moratorium through June 16, 2026, to allow for an election to fill the vacant Commission District 3 position so that constituents of
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District 3 could be fully represented before final consideration of drafted revisions to the CLDO.

- The Board of Commissioners desires to extend the moratorium through July 21, 2026, to allow time to incorporate any necessary revisions resulting from the new District 3 Commissioner's review and input, as well as revisions resulting from recent public input meetings.

FACTS AND ISSUES:

- The proposed resolution extends the limited moratorium through July 21, 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.
- 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. July 21, 2026; or
 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.

OPTIONS:

1. Approve the resolution extending the moratorium through July 21, 2026.
2. Deny the resolution and allow acceptance of applications to resume June 17, 2026.
3. Modify the moratorium extension timeframe or scope.

RECOMMENDED SAMPLE MOTION: "I move to approve Resolution 2026-06-002 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 July 21, 2026."

DEPARTMENT:

Prepared by: Tim Sims, County Manager

Director: Tim Sims, County Manager

**ADMINISTRATIVE
COMMENTS:**_____

DATE: _____
County Manager

2026-06-002

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, on March 16th, 2026, the Board further extended 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 to allow for an election to fill the vacant Commission District 3 seat so that constituents of that district could be fully represented before final consideration of drafted revisions to the CLDO; and

WHEREAS, the Board of Commissioners desires to further extend the moratorium 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, to allow the opportunity for the new District 3 Commissioner to review the currently drafted document and to incorporate any necessary revisions from his input as well as any revisions resulting from public town hall meetings held on April 13, 2026 and June 04, 2026; and

WHEREAS, the Board finds a moratorium barring until July 21, 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 July 21, 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) July 21, 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 15th day of June, 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]