

HABERSHAM COUNTY BOARD OF COMMISSIONERS

EXECUTIVE SUMMARY

SUBJECT: Moratorium on Certain Residential Rezoning and Subdivision Applications

DATE: October 8, 2025

☒ **RECOMMENDATION**

☐ **POLICY DISCUSSION**

BUDGET INFORMATION:

☐ **STATUS REPORT**

ANNUAL-

☐ **OTHER**

CAPITAL-

COMMISSION ACTION REQUESTED ON: October 20, 2025

PURPOSE: To approve a resolution passing a moratorium to suspend the acceptance of applications for Preliminary plat approvals for residential developments of five or more lots, and Rezoning requests to Residential Single Family (LI-R), Residential Multi-Family (MI-R), and Planned Development (PD) zoning districts. This action supports the County's ongoing efforts to evaluate and update its land use regulations and development standards.

BACKGROUND / HISTORY

- The County Comprehensive Land Development Ordinance (CLDO) governs zoning and land use in unincorporated areas.
- The Board has tasked the Planning and Development Department, Planning Commission, Public Works, and a third-party consultant with reviewing development regulations, growth management policies, and related infrastructure concerns.
- On September 15, 2025, the Board enacted an emergency moratorium restricting certain land use applications during this review process.
- The review includes potential updates to the CLDO and broader land use planning strategies.

FACTS AND ISSUES:

- The resolution restricts:
 - New rezoning applications to the LI-R, MI-R, and PD zoning districts.
 - Preliminary plat applications for residential developments consisting of five or more lots.
- The moratorium allows time for:
 - Coordination among county departments and the consultant team.
 - Public engagement and consideration of future development impacts.
 - Planning for infrastructure to accommodate growth.
- The moratorium will remain in effect until one of the following occurs:
 1. The Board votes to lift it.
 2. A subsequent moratorium is adopted after a public hearing.
 3. The scheduled end date of February 17, 2026, is reached.

OPTIONS:

- 1) Approve the recommendation to adopt the resolution.
 - 2) Deny the recommendation
 - 3) Commission defined alternative
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RECOMMENDED SAMPLE MOTION: “Motion to approve a resolution of the Habersham County Board of Commissioners enacting 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”.

DEPARTMENT:

Prepared by: Brandy Carnes

Director: ____ County Manager Tim Sims_____

ADMINISTRATIVE

COMMENTS:_____

_____ **DATE:** _____

County Manager

**A RESOLUTION OF THE HABERSHAM COUNTY BOARD OF
COMMISSIONERS ENACTING 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**

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 Planning Department, Planning Commission, Public Works Department, Consultant, and the County Attorney are in the process of reviewing, considering and drafting potential 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, the Board desires to further delay 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, until it receives and considers the recommendations from the County’s Consultant, the Planning Department, Planning Commission, and Public Works Department, and until the Board can plan and provide for adequate infrastructure to support future development; and

WHEREAS, the Board finds a moratorium barring until February 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 February 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) February 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 20th day of October, 2025, the public's health, safety, and welfare demanding it.

**HABERSHAM COUNTY BOARD
OF COMMISSIONERS**

ATTEST

By: _____
Jimmy Tench, Chairman

By: _____
Brandalin Carnes, County Clerk

[COUNTY SEAL]