

LOT SIZE RESOLUTION
HALL COUNTY BOARD OF HEALTH

A RESOLUTION TO SET STANDARD MINIMUM LOT SIZE FOR STRUCTURES USING ON SITE SEWAGE MANAGEMENT SYSTEMS IN ACCORDANCE WITH GEORGIA STATE LAW AND PURSUENT TO THE AUTHORITY VESTED IN THE COUNTY BOARD OF HEALTH UNDER THE OFFICIAL CODE OF GEORGIA, VOLUME 23, (31-3-4 through 6) and (31-5-1).

BE IT RESOLVED by the Board of Health of Hall County, Georgia, and it is resolved by the authority of the same as follows:

ONE

DEFINITIONS

The terms as used in this resolution shall have the meanings ascribed to them by the Georgia Department of Human Resources, Public Health Section, Rules for On Site Sewage Management Systems, Chapter 290-5-26.

TWO

PROVISIONS

The general provisions as used in this resolution shall have the meanings ascribed to them by the Georgia Department of Human Resources, Public Health Section, Rules for On Site Sewage Management Systems, Chapter 290-5-26, except for the following:

- a) Soil Information Required: No parcel of land will be approved for an on site sewage management system without soil information presented in the manner prescribed by the Manual for On Site Sewage Management Systems. Soil information must be provided for the entire lot or one acre, whichever is less.
- b) Recording: Approval of the final plat of the property by the Department shall be obtained before a plat of the property shall be recorded with the Clerk of the Superior Court of Hall County and the parcels of land described therein offered for sale. Unless a developer or owner shall have such an approval, the Clerk of the Superior Court of Hall County shall not record the plat of such property, nor shall the owner or agent of such property be authorized to transfer, or sell, or agree to sell the property.
- c) Properties served by a community sewage system, not exceeding 10,000 gallons per day usage, shall meet the minimum lot size requirements. The combination of the individual properties and the area for the on site sewage management system must average to meet the requirements needed for the total number of lots and gallon per day usage.
- d) Lot size requirements: To provide for the orderly and safe development of property utilizing onsite sewage management systems, minimum lot sizes are established as follows:
 - 1) Minimum Lot Sizes: Lot size requirements are as follows for single family dwellings including but not limited to: manufactured or mobile homes, stick built homes, modular homes, etc., and individual lots in subdivisions or mobile home lots located in areas other than commercial mobile home parks. Area requirements for multiple dwellings on a single recorded lot, where not prohibited by local zoning, must be provided in multiples of the following minimum lot sizes for each dwelling to be constructed on the recorded lot. Also, lot sizing requirements are as follows for multi-family residential dwellings, all other non-single family dwellings and commercial structures, and this also includes mobile homes located in commercial mobile home parks. The minimum non-restricted area required for a lot to be accepted is noted in Table 1 below.

Subparagraphs i through vi below, also apply to lot sizes. Larger lot sizes may be required to meet the requirements of this manual depending on the proposed development of the property. County Zoning Authorities may require larger minimum lot sizes; such establishment of larger minimum lot sizes will take precedence.

Table 1

| Water Supply | Non-public (Individual) | Public |
|--|--------------------------------|---------------------------------|
| Minimum Lot Size | 43,560 square feet | 21,780 square feet |
| Minimum Lot Width | 150 feet | 75 feet |
| Maximum Sewage Flow for Minimum Lot Size | 600 gad* | 1200 gad* |
| Formula for Greater Sewage Flows Sewage Flow : Lot Size | $gd^{\Omega}/600=\text{acres}$ | $gd^{\Omega}/1200=\text{acres}$ |

* Gallons per Acre per Day

Ω Gallons per Day

- i) The above minimum lot sizes are for the typical size home (3 or 4 Bedroom) with basic appurtenances such as: driveway, minimum number of trees, and water supply line. If larger homes, swimming pools, tennis courts or outbuildings, etc. are proposed to be constructed or if trees would interfere with installation of an on-site sewage management system, the County Board of Health or its designee will require larger lots to assure useable soil area.
- ii) The County Board of Health or its designee may also require larger lot sizes when physical factors indicate the need to do so. These factors **may** include, but are not limited to, the availability of sufficient unobstructed land areas for an approved on-site sewage management system and approved replacement system, slope greater than 25%, percolation rates higher than 45 minutes per inch, need for subsurface drainage or adverse topographic features.
- iii) Lots shall be a minimum width of seventy five feet (75') or one hundred fifty feet (150') measured within the area where an approved on-site sewage management system and replacement system are to be located when served by a public water supply system or non-public water supply system, respectively.
- iv) The following land areas are not considered as a part of a lot when calculating the required minimum lot size: right of ways of roads, easements (such as power line or pipe line) that exclude installation of an on-site sewage management system, bodies of water, land within 50 feet of a lake, river, stream, wetland where the water ponds, or land within 100 feet of springheads or other bodies of water and similar limiting factors.
- v) A minimum of 15,000 square feet of suitable soils must be reserved for the primary and replacement on-site sewage management system. This area cannot be utilized for any other purpose or structure and cannot be modified without prior approval of the County Board of Health or its designee. Unauthorized modification of this area may void approval of the lot.
- vi) There must be an unobstructed area on each lot for installation of an approved on-site sewage management system and an area equal in size for a conventional system or larger area, as appropriate, for an approved replacement system; this will include sufficient area for necessary site modifications for installation of both the initial system and a replacement system. All pertinent County zoning set-backs and other space requirements must also be met.
- vii) The maximum daily sewage flow for each lot or parcel of land shall not exceed 600 gpad when served by non-public or individual water supply system or 1200 gpad when served by public water supply system. When sewage flows exceed

these quantities (600 or 1200 gpad as indicated) for a given dwelling structure, the minimum lot size or parcel of land shall be increased proportionally. Example: Assume a public water supply exists (so 1200 gpad maximum sewage flow allowed per minimum required land area of 21,780 square feet), and there is a proposed sewage flow of 5,000 gpd. To determine X=the square footage of the lot needed, use the following formula:

$$\begin{aligned} X &= \frac{5000 \text{ gal/day}}{1200 \text{ gal/acre/day}} \\ &= 4.17 \text{ acre} \\ &= 4.17 \text{ acres} \times 43560 \text{ ft}^2/\text{acre} \\ &= 181,500 \text{ ft}^2 \text{ area of land needed.} \end{aligned}$$

Likewise, for a non-public (individual) water supply, to determine Y=the square footage of the lot needed for a proposed sewage flow of 5000 gpd, use the following formula:

$$\begin{aligned} Y &= \frac{5000 \text{ gal/day}}{600 \text{ gal/acre/day}} \\ &= 8.33 \text{ acres} \\ &= 8.33 \text{ acres} \times 43560 \text{ ft}^2/\text{acre} \\ &= 363,000 \text{ ft}^2 \text{ area of land needed.} \end{aligned}$$

- e) Lots recorded before the effective date of this resolution must meet the required lot size for on site sewage systems applicable at the time they were recorded. An on site sewage management system permit may be issued provided that the minimum design and construction requirement can be met according to the rules for on site sewage management systems, Chapter 290-5-26. Those lots must also have an approved replacement area.
- f) Criteria for protection of groundwater recharge areas: Rules of the Department of Natural Resources, Environmental Protection Division, Chapter 391-3-16-.02 require the following minimum lot sizes in the State of Georgia Groundwater Recharge areas as defined by the above.
 - 1) Subdivisions, Individual Lots, and Mobile Home Parks: New homes and mobile home parks served by septic tank and absorption field systems shall be on lots having the following minimum size limitations as identified in Table 1.
 - i) 150% of the subdivision minimum lot size of Table 1 if lot is within a high pollution susceptibility area;
 - ii) 125% of the subdivision minimum lot size of Table 1 if lot is within a medium pollution susceptibility area;
 - iii) 110% of the subdivision minimum lot size of Table 1 if lot is within a low susceptibility area.
 - iv) If a local government requires a larger lot size than that required by (f.1.) above for homes or mobile homes, the larger lot size shall be used.
 - v) Local governments at their option may exempt from the requirements any lot of record prior to the date of adoption of the Rules of the Georgia Department of Natural Resources, Environmental Protection Division, Chapter 391-3-16-.02.

THREE

AREA AFFECTED

The provisions of this Resolution shall apply to all areas of Hall County, Georgia, including municipalities.

FOUR

ENFORCEMENT

The administration and enforcement of this Resolution shall be as prescribed in O. C. G. A., Volume 23, Article 1(31-5-1 through 10).

FIVE

VARIANCE PROCEDURE

All requests for variances to this resolution should be submitted to the County Board of Health following established procedures.

SIX

SEVERABILITY

Should any part, paragraph or portion of this Resolution be declared invalid for any reason by any court of competent jurisdiction, such declaration shall not affect the remaining portions of this Resolution not so declared to be invalid, but all such remaining portions of this Resolution shall remain in full force and effect, as if they were separately adopted.

SEVEN

EFFECTIVE DATE

The provisions of this Resolution shall become effective on the 23 day of August, 2007

EIGHT

REPEAL

Any previously adopted Resolution of this Board governing lot sizes is hereby repealed.

NINE

CONFLICTING LAWS

All board of Health Resolutions, ordinances or regulations in conflict herewith are hereby repealed.