

Lot Size Resolution

Habersham 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 PURSUANT 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 Habersham 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:

1. 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.
2. 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 be equal to the requirements needed for the total number of lots and gallon per day usage.
3. Lot size requirement: To provide for the orderly and safe development of property utilizing on-site sewage management systems, minimum lot sizes are established as follows:

A. Minimum Lot Sizes: Lot size requirements are as follows for single family dwellings, multi-family residential dwellings, all other non-single family dwellings, single- and multi-unit commercial structures, and other structures including but not limited to: manufactured or mobile homes, stick built homes, modular homes, etc., and individual lots in subdivisions, mobile home parks, and commercial developments. Area requirements for multiple dwellings or structures 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, unit, or structure to be constructed on the recorded lot. The minimum non-restricted area for a lot to be accepted is noted in Table 1 below. Subparagraphs (a) through (d) below, also apply for lot sizes. Larger lot sizes may be required to meet the requirements of the manual depending on the proposed development of the property. County Zoning Authorities may require larger minimum lot sizes; such establishments of larger minimum lot sizes will take precedence.

Table 1

Water Supply	Non-public (Individual)	Public
Minimum Lot Size	43,560 square feet 1 acre	43,560 square feet 1 acre
Maximum Sewage Flow for Minimum Lot Size	600 gpd (Based on 600 gpad*)	1200 gpd (Based on 1200 gpad*)
Min Lot Width	125 ft.	100 ft.

*Gallons per Acre per Day

- a) The above minimum lot sizes are for the typical three or four-bedroom home with basic appurtenances such as: driveway, minimum number of trees, and water supply line. If commercial structures with higher gallons per day flows, 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.

- b) Lots shall be a minimum width of one hundred feet (100') or one hundred twenty-five feet (125') 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.

- c) 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 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, need for subsurface drainage or adverse topographic features. An area of suitable soil must be approved for use according to the Georgia Department of Human Resources, Public Health Section, Rules for On-site Sewage Management Systems.
- d) There must be an unobstructed area on each lot for the installation of an approved on-site sewage management system and for an approved replacement system with an area equal to a conventional system or larger, as appropriate. This will include sufficient area for necessary site modifications for installation of both the initial system and a replacement system. All pertinent zoning setbacks and other space requirements must also be met.
- e) 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, soil conditions that exclude the installation of an on-site sewage management system, bodies of water, land within 50 feet of a lake, river, stream, wetland or other bodies of water and similar limiting factors.
- f) The maximum daily sewage flow for each lot or parcel of land shall not exceed 600 gpad when served by a non-public or individual water supply system or 1200 gpad when served by a public water supply system. When sewage flows exceed these quantities (600 or 1200 gpad as indicated) for a given dwelling or structure, the minimum lot size or parcel of land shall be increased proportionately.

Example: Assume a public water supply exists, so 1200 gpad maximum sewage flow is allowed and there is a proposed sewage flow of 5,000 gpd. To determine X=the acreage of the lot needed, use the following formula:

$$\begin{aligned}
 X &= \frac{5000 \text{ gpd}}{1200 \text{ gpad}} \\
 &= 4.17 \text{ acres}
 \end{aligned}$$

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

$$Y = \frac{5000 \text{ gpd}}{600 \text{ gpad}} \\ = 8.33 \text{ acres}$$

Lots recorded before the effective date of this resolution must meet the required lot size for an on-site sewage management system 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. These lots must also have an approved replacement area.

THREE

AREA AFFECTED

The provisions of this Resolution shall apply to all areas of Habersham 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 variance 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 10th day of February, 2009.

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.

This the 9th day of January, 2009.

BOARD OF HEALTH
HABERSHAM COUNTY, GEORGIA

By: *J. Stuart Sanders, MD*
Dr. Stuart Sanders, Chairperson

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Mr. Tom McCoy, Member

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