



GEORGIA PLANNER

Newsletter of the Georgia Planning Association, A Chapter of the American Planning Association

APRIL 2002

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Quality Growth Grant Awards to Benefit Eight Georgia Communities

ATLANTA -- Georgia Department of Community Affairs Commissioner Laura Meadows announced \$150,000 in grant awards in April, assisting eight Georgia communities in implementing quality growth initiatives. This was the inaugural round of the Quality Growth Grant Program, which was conceptualized by the Georgia Quality Growth Partnership, a consortium of 40 public and private organizations interested in promoting quality growth statewide.

"I was thrilled to see more than \$900,000 in applications in this first round," Commissioner Meadows said. "The extremely competitive applications we received clearly demonstrate the growing awareness and excitement about adopting quality growth initiatives in this state."

Grant awards ranged from \$10,000 to \$25,000, and funded projects such as: development of a comprehensive county growth management study, creation of a 230 acre greenspace site and development of innovative land use and growth management regulations.

Only Georgia cities, counties and consolidated governments are eligible to apply for the Quality Growth program. For more information this program, or quality growth in general, visit the DCA website at www.dca.state.ga.us, or the Quality Growth Partnership website at www.georgiaqualitygrowth.com. Congratulations to

- Carroll County, for development of a comprehensive county growth management plan
- Dalton and Whitfield County, for planning revitalization of older intown neighborhoods
- Hinesville, for a downtown revitalization plan
- Jefferson County, for creating a 230 acre greenspace next to Downtown Louisville
- LaGrange, for promoting development of vacant in-town sites and encouraging traditional neighborhood development patterns
- Lumpkin County, for developing innovative land use and growth management regulations
- Tifton, to review development regulations and remove barriers to quality growth in in-town areas of the community
- Walker County, to modify existing land use regulation to promote smarter growth and preservation of green space

PROGRAM INFORMATION NEWS

Don't miss GPA's Spring Housing & Legislative Conference in Savannah, May 16-17! See enclosed registration form for more information.

Interested in hosting a luncheon in your area? We want you!

And don't forget the fall conference in Jekyll Island on September 25-27. Rooms fill up fast so make your reservations early! **Jekyll Island Club: 912-635-2600**

Do you have program and session ideas for the fall conference? Would you like to be a sponsor?

For more information regarding the exiting programs & opportunities above contact:

Denise Abboud at 404-355-4505 or dbabboud@aol.com

GPA Nominations Committee

CALL FOR NOMINATIONS
For
PRESIDENT-ELECT

These are exciting times! Under GPA's new bylaws, we are changing to a President-Elect system.

Under the new structure, GPA will elect a President-Elect, who will serve a one-year term and then automatically serve a two-year term as President. After that, the person will serve for a year as Past President, so we're talking about a four-year commitment.

The President-Elect will play a significant role in establishing the Chapter Development Plan that will be in place during their presidency, and in nominating candidates for the Board of Directors that will serve during their term as President. The President-Elect will also stand in for the President when they are unavailable.

INTERESTED?

The Nominations Committee is calling on all those interested in being considered for nomination as President-Elect this year. If you want to be considered, send a resume and a Statement to:

Bill Ross, Nominations Committee Chair
e-mail: rossatr@cs.com
fax: 404-352-6926
mail: 2161 Peachtree Road, NE, Suite 806, Atlanta 30309

The Statement should present your reasons for wanting to be nominated and/or a preliminary position statement for your eventual term as President.



Although there's no time like NOW to send this in, we need to hear from you by the end of May. Ballots will go out in early July, and the new President-Elect will take office in late September at the Annual Conference.

**THANKS FOR
YOUR INTEREST
AND SUPPORT
FOR GPA**

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Non-AICP Dir. at Large

Bill Ross the Younger
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tyatcr@cs.com

GENERAL ASSEMBLY REPORT

BY: Jerry Weitz, Ph.D., AICP
Vice President for Legislative Affairs

Listed below are summaries of proposed bills of interest to planners. This information is supplied from the Georgia Municipal Association's legislative tracking web page. For more information or to view full texts of bills, go to: <http://www.legtracking.gmanet.com/uservisitor>.

HB 118 (Income Tax; Rehabilitation of Historic Structures) passed the House and is now pending in Senate Committee. HB 118 would piggyback the federal income tax credit for rehabilitating income-producing certified historic structures. It also would create a new state tax credit for rehabilitating non-income producing certified historic structures.

SB 438 (Greenspace Trust Fund Allocation to Cities) passed the Senate and is in a House Subcommittee. This legislation would provide for matching grants for cities in counties which receive an annual amount over \$500,000 from the Georgia Community Greenspace Trust Fund. The funds would come from 10 percent of the host county's share of appropriated greenspace funds. This legislation would affect grants beginning in fiscal year 2003.

HR 391 (Community Development Tax Incentive Program) passed out of committee and is pending in Senate Rules. HR 391 is a proposed Constitutional Amendment which would allow cities and counties, by ordinance, to establish Community Redevelopment Tax Incentive programs. The local ordinance would allow a local government to 1) increase ad valorem tax rates on "blighted" property and 2) decrease the tax rate (for a limited time) on property that is no longer classified as blighted or for property that has a plan from the property owner for remedial action which has been accepted by the local government.

HB 587 (Cost-Benefit Analysis for Use by EPD in Rulemaking) passed committee and is eligible to be placed on the Senate Rules Calendar for floor action. This legislation would create a 12-member Advisory Committee on Risk Assessment and Cost-Benefit Analysis to prepare specific guidelines for use by the Environmental Protection Division in preparing rules and regulations.

HB 320 (Zoning Procedures Law: Non-party Participation in Mediation) is pending in the Committee. This bill would amend the Zoning Procedures Law to permit third parties to participate in court-ordered mediation resulting from the appeal of a local government's decision to deny rezoning of a property. If the court requires mediation, the owner

of any property within one mile of the boundaries of the disputed property may petition to participate in the mediation. If more than three parties file such a request, the court must appoint a special master to decide which three will be allowed to participate.

HB 614 (Zoning Moratoria) was favorably reported by subcommittee and is pending in committee. This legislation would clarify that temporary moratoria enacted by local governments are not subject to the provisions of the Zoning Procedures Law.

HB 1673 (Zoning; Land Use Around Airports) is pending in House Committee. It would require certain studies, public hearings, and procedures prior to the adoption or amendment of zoning ordinances, including overlay districts, within the vicinity of an existing airport.

SB 399 (Animal Protection; Local Zoning Ordinances; Violations) was favorably reported by Senate Committee on March 19th. It would prohibit any animal breeding operation licensed by the Commissioner of Agriculture to violate local zoning or animal control ordinances regarding a limit on the number of animals that may be kept within an animal shelter within the local jurisdiction. The legislation would also authorize the Commissioner of Agriculture to refuse to issue or renew, or suspend or revoke, such licenses for such local government ordinance violations.

HB 1537 (Counties; Prohibit Charges for Water and Sewer) is pending in House Committee. It would prohibit counties from collecting fees or charges for water and sewer services to residents of any unincorporated areas of the county who receive such services from a private provider.

SR 799 (Joint Study Committee) was favorably reported by Committee on March 19th. It would create a Joint House and Senate Study Committee on the certification or licensure of homebuilders and commercial general contractors. The study committee would investigate the benefit of and need for statewide regulation of these two industries. The Committee's report would be due by December 31, 2002.

HB 1406 (Hazardous Sites Response Act Reauthorization) passed the House on March 8th and is pending in the Senate. This legislation is the result of the work of the Hazardous Sites Response Act Reauthorization Study Committee and would reauthorize the Act until July 1, 2013. The legislation would alter the current brownfields law by allowing limited liability for purchasers who redevelop and clean any properties to certain soil standards.



Metro Atlanta Planners Book Club



Are you interested in discussing the latest and greatest planning theories and ideas--or revisiting the old? Metro Atlanta planners are establishing a book club to discuss current trends and ideas in planning. The book club will meet quarterly, with the first meeting on May 20th, 2002.

Evening time and location to be announced.

If you're interested, please contact:

Kristen Wescott at 770-956-5770 x 261 or

kwescott@hntb.com.

Look forward to seeing you!

The first book is: *Picture Windows: How the Suburbs Happened*
by Rosalyn Baxandall & Elizabeth Ewen



GPA Spring Conference Registration Form - May 16-17, 2002 - Savannah Marriot

Name: _____ Affiliation: _____

Telephone Number _____ Email Address _____

Please mail registration form, and a check for \$75 to:

GPA, P.O. Box 464717, Lawrenceville, GA 30042

Our Tax ID is #58-1105343

GPA SPRING CONFERENCE

Talking Housing and Planning Legislation, Where do we go from here?

The DCA Workforce Housing Study states that over 52% of Georgians can not afford housing. Is manufactured housing the answer to our affordable housing needs? Your elected officials have you on the griddle: They want strong economic development, but seem to only want to house the executives, not the workers. Services are eroding, schools are getting overcrowded, the revenue base per capita is shrinking. Attorneys are giving you mixed signals on the legal issues of regulating housing, but the signals from the vocal (voting) public are all too clear. Economic snobbery? Legal morass? Political suicide? What do you do? What CAN you do? Come learn about tools available to integrate affordable housing into your community fabric to create a win/win situation.

Growing Smart has become a buzz phrase for everything from mixed use, TNDs, conservation subdivisions and as a justification to extend our sewer and water lines. Come to Savannah to hear an overview of major legislative topics important to Planners, find out how the state role in growth management is proposed to

grow in the future and learn practical smart growth tools that you can use in your jurisdiction. GPA's Legislative Committee will provide an overview of the GMA-ACCG Quality Growth Joint Task Force Final Report, and Stuart Meck of APA will present the Growing Smart Legislative Guidebook. The Legislative Committee has prepared a "white paper" that raises issues and proposes legislative strategies. Be a part of this discussion to present your views of legislative issues in Georgia.

Invited speakers include representatives from ACCG, GMA, APA, GSU, Greater Atlanta Homebuilders, DCA, GRTA, Georgia Conservancy, Georgia Power, UGA, Jenkins & Olson, GA Manufactured Housing Association and Savannah Economic Development.

Come on down to Savannah in May and GET SOME ANSWERS to guide your jurisdiction in meeting the challenges of the next few decades. The Georgia Quality Growth partnership (GQGP) has over 30 tools in place covering issues from housing to using infrastructure to direct growth. Learn about GPA's innovative proposed planning legislation that will effect the way planners do business.

The GPA Spring Conference will be held this year in Savannah on May 16th and 17th at the Savannah Marriott Riverfront Hotel. Registration will begin at noon on Thursday with programs running from 2pm until Friday afternoon. An opening reception is planned on Thursday evening. A special hotel discount of \$139 per night, Thursday through Saturday is offered. Please call the hotel directly 1-912-233-7722, asap as rooms are limited. The cost of the conference (which includes lunch and a reception) will be \$75.



New Environmental Program Recruits Georgia Leaders

Contact: Connie Wiggins-Chairperson,
Governor's Environmental
Advisory Council
770) 822-5187

A unique program designed to prepare Georgia leaders for the environmental challenges of the future is recruiting its inaugural class.

The Governor's Environmental Advisory Council and the J.W. Fanning Institute for Leadership at the University of Georgia have created the Institute for Georgia Environmental Leadership (IGEL).

"The IGEL program is the first of its kind," said Connie Wiggins, chairperson of the Governor's Environmental Advisory Council. "Participants will complete the program with a better understanding of environmental issues and improved leadership skills."

The recruiting effort will focus on potential candidates from fields as diverse as agriculture and private industry to government and educational institutions. An individual must be nominated for IGEL by an organization, individual, institution or firm.

IGEL participants will be required to attend six two-day sessions held in different locations around the state from September to April. The sessions include:

- Current environmental issues
- Emerging environmental challenges
- Environmental problem solving
- Communication skills
- Conflict management

The IGEL experience will be centered on educational and personal development, rather than on opinion and political agendas. Participants will



complete the program with a greater understanding of environmental issues and improved leadership skills.

The tuition fee for the IGEL program is \$2,000. The fee covers instruction, materials, lodging and meals. Transportation expenses are not covered. Partial scholarships are available for qualified candidates.

The first IGEL class of 30 participants will be selected in June 2002. Nominations must be received by April 1, 2002. Please call (706) 542-1108 or e-mail igel@fanning.uga.edu to request a brochure and a nomination reply card. Further information can be obtained at www.dnr.state.ga.us/igel.pdf.

Editors Note: Although the Deadline for the IGEL class has passed, we thought some of you might be interested in participating next year.

SIGN ORDINANCE PITFALLS

by Peter R. Olson
JENKINS & OLSON, P.C.
Cartersville, Georgia

Despite numerous decisions striking down local governments' sign ordinances in recent years, many sign ordinances are still filled with constitutional traps that could render the ordinance void as a violation of the First Amendment. Local governments and planners should be aware of these traps when checking their ordinances.

The most common and most dangerous trap is having "content-based" regulations. Sign ordinance should be "content-neutral," not "content-based." "Content-based" not only refers to ordinances that prohibit specific political or religious messages (which hardly any ordinance does these days), it also refers to ordinances that regulate in any way based on the content of a sign.

For example, many ordinances regulate "political signs," and define them based on the message content being related to an election, advocating a position, and so forth. Local governments may believe that their ordinance is content-neutral because no particular position is banned and any candidate may be supported, but in fact the regulation is content-based because it limits the message as "related to the election." In other words, if "We Buy Houses" signs, or other advertising, is not allowed, the regulation is content-based, and therefore unconstitutional.

Likewise, "weekend directional signs," "subdivision entrance signs," "construction site signs," and similar definitions, are typically content-based.

Authorizing a sign at a subdivision entrance that must reference the name of the subdivision is controlling content, and that is unconstitutional, because it favors commercial speech over non-commercial speech.

The solution is to only regulate signs based on size, location, construction, illumination, duration and so forth: criteria that are not based on content. For example, it is acceptable for an ordinance to authorize signs to be erected "from 5 p.m. Friday to 12 midnight Sunday." The ordinance could also require a permit, that the owner of the sign be printed on the back, that the signs be constructed of durable material, and that such signs are prohibited in rights-of-way. This would authorize the typical "weekend directional sign." What an ordinance cannot lawfully do is restrict the content of the sign to messages "providing directions to new developments" and so forth. Any content, other than obscenity and nudity under state law, must be allowed, or else the local government is making a choice favoring one type of speech over another. If "Hunter's Chase" can put up signs, then "We Buy Houses" and "Stop Abortion" can as well. Similarly, "political signs" can be defined as signs which can be erected for a certain period of time around any federal, state or local election. Again size, construction, location and so forth can be regulated--but any content must be allowed.

As a practical matter, not explicitly limiting "construction

signs" to builders, architects and so forth constructing the project, will have little effect. In reality, if an ordinance allows one or two signs to be erected during the construction phase of a development, the companies involved are not going to waste them on political messages. Similarly, a subdivision is not likely to put an ad or a political message on the pair of monument signs authorized at the entrance of a subdivision. Areas where unwanted effects may arise include the weekend directional sign and the political sign, but that cannot be helped.

The "on-premise" and "off-premise" distinction is another major pitfall of many ordinances. While the Federal courts have upheld this distinction (finding that non-commercial speech is on-premise), the Georgia Supreme Court has found that non-commercial speech is off-premises, and regulations favoring on-premise signs over off-premise signs are therefore typically unconstitutional. This distinction should be eliminated, as should any attempt to link the content of a sign to the business being conducted on the premises.

If a local government's ordinance is content-neutral, it gets reviewed under a much more relaxed standard by the courts. It has a much better chance of being upheld from challenge. That in turn allows the sign ordinance to be much tougher than many local governments believe possible. This point will be discussed in a future article.

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WORKING TO BETTER OUR COMMUNITIES AND ENVIRONMENT



J ♦ O ♦ B ANNOUNCEMENTS

Community Development Planner

Department: Planning & Zoning

Salary Range: Grade 6 (\$32,293 -- 46,503)

Send cover letter and resume to

Baldwin County Commission Personnel

312 Courthouse Square, Suite 17 Bay Minette, AL 36507

PH: 251/937-9561

FAX: 251/580-2500

Land Use Planner – Masters' degree in Planning and 1-3 years experience or Bachelors degree and 4-5 years relevant experience in comprehensive plans, land use, zoning, and urban design for work in a variety of planning projects supporting local governments. Salary DOQ. EOE.

For more information call Gary Cornell at (678)333-0229.

RED HILLS REGION PLANNER

Salary Range: \$40,000 to \$50,000

Tall Timbers Research Station, established in 1958 as a non-profit scientific and educational organization based in Tallahassee, FL, is working to conserve a 300,000-acre region between Thomasville, GA, and Tallahassee, FL. This region is both a bio-reserve and model working landscape of sustainable rural uses. Planner's responsibility is to work with three counties to encourage quality growth management. Minimum Requirements: Master's degree in Planning, Public Administration, Ecology, or related field and three years community based experience preferred.

Full position description on web-site (hit employment button). To Apply: Send resume, references, salary history & expectations, and writing example by mail or email to: Kevin McGorty, Tall Timbers Research Station, 13093 Henry Beadel Dr., Tallahassee, FL 32312, Phone 850.893.4153, ext 238, Fax 850.893.7954, email . Deadline: Open

Job Opportunities - Available Immediately

Jordan, Jones & Goulding is recruiting for three positions: Transportation Planner – Master's degree in Planning or MS Transportation and 1-3 years relevant experience to work on a variety of multi-modal projects in metro Atlanta and the Southeast. Salary DOQ. EOE Senior Transportation Planner/Engineer – Master's degree in Planning or MS

Transportation and at least eight years of transportation planning/ engineering and project management experience including private sector experience. Modeling, engineering, and traffic operations experience is also desirable. Salary DOQ. EOE.

City of Newnan, Georgia

The City Council has authorized the hiring of a new planning position. We are interested in hiring from within Georgia. If you know of any planners seeking a job or a career change, please send them to our web site for additional information, www.ci.newnan.ga.us

The starting salary is \$36,712 with a 5% increase after 6 months and another probable raise (typically has been 5%) in January. Minimum requirements are undergrad degree and 2 years experience.



Change of Address: The Georgia Chapter does not maintain address lists. All lists are maintained at the national office and are mailed to the local chapters each month. If you have moved, e-mail: addresschange@planning.org or write to:

Membership Department
APA National Headquarters
122 South Michigan, Suite 1600
Chicago, Illinois 60603-6107

Membership Information: If you are in joining the American Planning Association, contact the national headquarters at the address above or call (312) 431-9100.

Submission: The Georgia Planning Association welcomes articles, letters to the editor, photos of planning events or state happenings, calendar listings, job notices, planners on the move, etc. We are always interested in publishing anything you think may be of interest to others throughout the state. Articles may be edited for space. Articles printed in any issue of The Georgia Planner are not the expressed opinion of the Chapter.

Graphics: Graphics are especially welcome - pictures, photos, graphs, charts, etc. We would be happy to return them to you upon request.

Deadline: The deadline for the next issue is May 31, 2001
Send Items for the newsletter to:

Lucy Jenkins
323 East Church Street, Suite 106
Cartersville, Georgia 30120
lucyjenkins@mindspring.com



**GEORGIA
PLANNER**

Newsletter of the Georgia Planning Association, A Chapter of the American Planning Association
323 EAST CHURCH STREET • SUITE 106 CARTERSVILLE, GEORGIA 30120

APA... Making Great Communities Happen

New Environmental Program Recruits Georgia Leaders

Contact: Connie Wiggins-Chairperson,
Governor's Environmental
Advisory Council
770) 822-5187

A unique program designed to prepare Georgia leaders for the environmental challenges of the future is recruiting its inaugural class.

The Governor's Environmental Advisory Council and the J.W. Fanning Institute for Leadership at the University of Georgia have created the Institute for Georgia Environmental Leadership (IGEL).

"The IGEL program is the first of its kind," said Connie Wiggins, chairperson of the Governor's Environmental Advisory Council. "Participants will complete the program with a better understanding of environmental issues and improved leadership skills."

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