

Cities putting the heat on churches under Smart Growth

by Randy Bright <http://www.tulsabeacon.com/?p=5277>

A few weeks ago, I received a rather urgent e-mail from a gentleman in Maryland who was asking for advice regarding a letter from his municipality stating that his church building could no longer be used as a church.

The letter stated, in part, that the "... Development Code that was adopted 9-18-06 no longer allows churches in the B-2 Central Commercial District as a principal use. The Development Code states that no building, structure, or premise shall hereafter be used or occupied with a use that is not permitted in the zoning district. Churches that were in operation prior to 9-18-06 are considered non-conforming uses and may continue to operate in the B-2 zoning district. As you are aware, the B-2 zoning district is a desirable zoning for commercial uses for example: banks, business services, day care centers, funeral homes, gourmet food establishments, retail stores, medical services, and office uses to name a few are principally permitted."

When I spoke to this gentleman on the phone, he asked why a city would do such a thing. I explained that, among other reasons, municipalities all over the country were faced with the same financial problems, and that many were actively trying to push churches out because churches are exempt from property taxes.

But then he explained that he had purchased the building and intended to lease it to a church, and so he would be paying property taxes. It was apparent by the wording of the letter that it was the municipality only wanted properties that would generate sales tax.

The State of Maryland adopted Smart Growth in 1997. A report produced by the National Center for Smart Growth Research and Education at the University of Maryland stated that "Maryland is often referred to as the birthplace of smart growth, a movement in land use planning that contributed to what is now referred to as sustainability planning, sustainable development, and sustainable communities," with the primary purposes being "1) direct growth into areas already developed and having public facilities, and 2) reduce the conversion of farm forest and resource land to urban uses."

The problem with this, as is the case with most sustainability planning, is that growth is categorized in two basic terms, urban and rural. Sustainability planning generally attempts to populate urban areas with dense development, and to depopulate rural areas through conservation of wild and agricultural areas. Both urban and rural areas are now considered economic entities.

Out of perceived economic necessity, planners now view urban areas as residential, commercial or public. In other words, if it isn't a home- or a municipally-owned building, it needs to be generating revenue for the municipality.

Rural areas are now being viewed with a similar scrutiny: if it isn't a park or a wildlife sanctuary, it, too, needs to be generating revenue. The Obama administration has said as much in the recent formation of the White House Rural Council, which I discussed in last week's column.

In both cases, churches are increasingly being "zoned out" and it is likely to get worse over time. While churches that are being forcibly removed are still in the minority, new zoning codes are creating opportunities for municipalities to force churches to leave under the guise of responsible economic planning.

The University of Maryland report suggested that Maryland was not doing enough smart planning, admitting that "housing prices have inflated faster in Maryland than most other states the last few decades" and that the data suggests that the "predominate form of urban development in Maryland remains suburban, not infill."

Not surprising is that this report does not address the impact of dense urban development or rural policies on existing churches, on the ability for new church development or even upon basic property rights for churches. Doesn't it seem tragic that a movement that touts mixed-use development doesn't want churches in the mix?

I should mention that the person who wrote the letter letting that gentleman know that his building could no longer be used as a church wasn't entirely unhelpful. She wrote, "There are a lot of opportunities for the adaptive reuse of the church and ... the... Office of Economic Development may be able to assist you with your marketing efforts."

Isn't that a bit like what Ronald Reagan suggested were the most frightening words, "I'm from the government and I'm here to help"?

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