

Discrimination against churches happens in the Bible Belt

by Randy Bright <http://www.tulsabeacon.com/?p=5607>

Since the City of Tulsa has hired the new director of planning and economic development, Dawn Warrick, I think it is a given that there will be a focus on developing Tulsa's new zoning code. In my last two articles I have voiced concern regarding how churches will be treated and regulated. It was not that long ago that a city official told me that it was considered bad public relations for the city not to go the extra distance to help churches work through the zoning and permitting process. I have no reason to believe that anything has changed in that regard with certain officials, but the new code will be developed, for the most part, by outside consultants and with the new director, and it is not altogether clear how much INCOG will be involved with the effort.

Since the planning profession no longer gives much thought to how churches should be allowed to function within communities, the risk is that a new code could bring about the demise of our churches over time and through attrition. Since most churches eventually must expand or move, the question will be whether or not they can be replaced, or even if the number of churches will be allowed to grow.

As many cities and communities across the country adopt the new codes, a new mindset is developing as well. Planning officials who before were willing to work with churches to keep them within their communities are being replaced with those who see more regulations as the norm, not as a stifling of creativity or a breach of Constitutional rights.

They also have a new set of priorities. Expanding the tax base through property and sales taxes, and providing more services, especially in terms of mass transit, are taking precedent over tax-exempt churches that are increasingly being perceived as taking too much space from the public. There are plenty of examples of churches that have had to abandon their projects or endure severe and onerous regulations in areas that have adopted new zoning codes or mindsets.

Last year, the Church at Shawnee Landing in Wheatfield, N.Y., dropped their project after city officials made it clear that they would have to start the permitting process all over after the church had scaled down its project for financial reasons. The church had planned to build 64 units of affordable housing on a 19-acre site where they also hoped to build new church facilities. They were told, "the Planning Board only enforces what's already in writing. We don't make up the rules."

In Leon Valley, a suburb of San Antonio, Elijah Group, a small evangelical church, has sued the city because new zoning rules prohibited the church from worshipping in its building on Sunday mornings. The city insists, and a court held, that it is inconsistent for churches to locate within retail zones. Since one of the main objectives of the new codes is to promote mixed-use development, this is odd. If it is proper to allow apartment buildings with ground floor retail space (I'm speaking in general here, not in regard to Leon Valley specifically), does it not hold that other uses such as churches can be in the mix as well? Apparently not.

Image is another point of contention with city officials. Having homeless people in the city, especially in downtown areas, makes a city look bad. For some, it looks even worse when churches are feeding people because it has become part of the mindset that that is the responsibility of government.

In Houston, a church that had been providing food for the homeless for over a year was forced to terminate their program when the city required permits that they were unable to acquire. The leader of the food ministry said, “we don’t really know what they want, we just think that they don’t want us down there feeding people”.

And there are many more examples of discrimination against churches that are easily found online by Googling. A church in Yuma, Arizona, that sued the city because a permit was denied; in East Baton Rouge, a church was denied a building permit because it “was not in line with the urban design district” it was in; in Rolling Hills Estates, California, where a church was denied a permit after the city banned churches from commercial areas; and in Boulder County, Colorado, where Rocky Mountain Christian went through years of litigation in order to develop its property.

Say it can’t happen in Tulsa? Don’t forget that several years ago Sand Springs forced two churches out of a blighted area, and the City of Jenks recently denied a permit to Kirk of the Hills to build a satellite church. Being in the Bible belt is no guarantee of protection. So it behooves all of us to be diligent about what the new zoning code will say, and make certain that our churches are fairly treated.

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