

More churches are under assault by municipal government

by Randy Bright <http://www.tulsabeacon.com/?p=6308>

This week I learned of another case of discrimination against a congregation that wanted to do an addition to their facilities to accommodate a growing Christian school that the church had operated for a number of years.

After seeking approval for their project from the city, the city finally rejected it, claiming that the addition would not lend “continuity” to the neighborhood. This was even after at least one neighbor testified that a Christian school would be a very desirable thing to have in their neighborhood.

It may seem baffling to understand why it has become very common for churches to be rejected when they want to build a new facility or add to one they already have. I’d like to offer some suggestions why it is becoming more common.

Public attitudes tend to follow their leadership, so when city leadership rationalizes why they should not allow churches to grow in their cities, the public begins to adopt the same beliefs, at least until it affects them directly. But to be able to reject churches legally, there needs to be rules to follow, and key among them is that city leadership must protect citizens from development that might harm them, or that doesn’t fulfill an established “vision”.

To do so, an elaborate set of rules is created, setting the course for virtually every street in the city. Zoning codes that were perhaps a hundred pages long before now become nearly two thousand pages long, filled with charts, diagrams, and rules that depict what the “streetscape” of every city street and boulevard must look like in order to achieve “continuity”.

Authors of these zoning codes claim that developers love their codes and like to use them to develop their projects. But what developers like about the codes is “predictability.”

Developers have complained for decades about how difficult it has become to get a project built, and it has gotten progressively worse in the last few years as these new codes have taken hold. You might think this a contradiction – that they love the new codes but can’t get anything built – but in reality developers prefer a system that allows them to get projects built, even if what they build is not necessarily what they want to build.

When you read these new codes, you will find that many of them establish a shortcut to a permit that is available to anyone who wants to accept the rules as they are written without deviation. So, for example, if a developer says that 100 parking spaces are needed for the project, but the rules say that only 50 spaces are permissible, then the developer has two choices. The first would be to request a variance, which could add significant time, perhaps years, to the permitting process with no guarantee of winning it, or to accept the 50 spaces and get the permit quickly.

Many developers would accept the latter instead of the former, simply because it lends “predictability” to the process of building, and the city gets its “continuity.”

This is important to the developer, not just because of the potential for profit, but also because of the hundreds of jobs that a single project can create. It is not so much that the developer has sold out for a profit, but because it can make the difference between keeping a business open or closing its doors.

This means that cities with the new codes can exert tremendous pressure on its community in order to achieve the “vision” of the community, even if that vision represents a very small percentage of the population. And because of the *Kelo v. New London* decision, cities now can take properties from anyone and give them to anyone else. This unconstitutional and immoral ruling has given planners and city officials an excuse to rationalize the abuse of eminent domain. It has added the word “except” to their vocabulary – that it is not acceptable to steal another person’s property “except” when doing so might bring some improvement to the community.

This kind of attitude gives way to the kind of thinking it takes to reject a church; that churches cannot lend continuity to a city plan in which there has been no planning done to allow churches, and therefore it is acceptable to steal a church’s right to use of its own property. After all, how else can a city make the development of their community predictable if they allow a church an exception for them to build something that is not in their plan? The next logical step to achieve that continuity and predictability, I believe, will be confiscation of church property to achieve that end, because after all, the church cannot use its land for its intended purpose and the community needs it for other perceived needs.

Call me cynical, but that’s my prediction – it is just a matter of time. After all, wasn’t there a time when we would not have imagined that a church would not lend “continuity” to its neighborhood?

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