

Florida City Strikes Unconstitutional Zoning Rules Harmful to Churches

In a victory for Christians last week, a Florida city is no longer discriminating against churches and religious groups by not allowing them to use property in a shopping center.

Port St. Lucie, Fla., has revised its zoning code so that it no longer unconstitutionally **discriminates against churches** and other religious assemblies.

An Alliance Defense Fund lawsuit filed last year on behalf of **Palm Beach Gardens Baptist Church** prompted the changes. A federal court issued an order last week that affirms the city will no longer discriminate against churches in zoning districts across the city, including one that covered the Southport Shopping Center where the church wished to lease space for worship services.

“Churches shouldn’t be singled out for discrimination by a city’s zoning restrictions, so Port St. Lucie has done the right thing in making its zoning code constitutional,” says Kevin Theriot, ADF senior counsel.

“Both the U.S. Constitution and federal law prohibit government officials from banning religious uses of property when they allow similar non-religious uses of that same property. We commend Port St. Lucie officials for addressing this problem. In so doing, they have become an example for other cities to follow.”

In December 2010, the city wouldn’t allow Palm Beach Gardens Baptist Church to apply for an occupancy permit for the purpose of leasing property at Southport Shopping Center because the zoning code didn’t allow churches there. For the

same reason, the city was attempting to force two churches already located in the shopping center to move out.

ADF attorneys filed suit in January of last year on the grounds that such discrimination was a violation of the church's rights protected by the **U.S. Constitution** and the federal Religious Land Use and Institutionalized Persons Act, which prevents zoning officials from singling out churches for discriminatory treatment.

The consent decree and order issued by the U.S. District Court for the Southern District of Florida and agreed to by the city and the church in *Palm Beach Gardens Baptist Church v. City of Port St. Lucie* acknowledges the city's **zoning code changes**.

In light of the changes, the order states that the city "shall not discriminate against religious assemblies as compared to private clubs or lodges and day care centers, and any other assembly in the Neighborhood Convenience Commercial Zoning District ... and shall also refrain from discriminating against religious assemblies as compared to other types of assemblies in any other zoning district."