



# Unenforced ordinances and new proposals irk church leaders

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Published: Saturday, February 16, 2008 at 6:01 a.m.  
Last Modified: Friday, February 15, 2008 at 11:58 p.m.

Many churches in Gainesville are breaking the law.

Seldom-followed city ordinances that regulate, among other things, how religious institutions provide food and shelter for the needy are being criticized as too restrictive.

"The way the ordinance was written on a number of counts we would not have been able to be in compliance," said the Rev. Barry Ferguson of Highlands Presbyterian Church in northeast Gainesville.

The Gainesville City Commission on Feb. 4 considered limiting the hours that institutions such as Highlands can provide food and shelter and also the number of people these organizations can assist. But the commission sent the issue back to the Community Development Committee - and that committee will meet on Tuesday.

Donna Lawson, executive director of Interfaith Hospitality Network, said if current laws are enforced and if some of the proposed changes are adopted, IHN would no longer be able to provide food and shelter to homeless families as effectively.

For example, the change that would implement "hours of operation" for shelters would force one of her residents, who works nights at the hospital, to sleep outside in the middle of the day, she said.

"You can't fit people's lives into what your definition of a normal day is," Lawson said.

IHN is a service that rotates between several churches to house and feed families in need.

Lawson said several of the churches participating are in violation of what she calls the "No Feed Zone" around the University of Florida.

The zone is a 2,000-foot radius around the campus - an area that includes many churches.

"Why does it have to be regulated?" Lawson asked, pointing out that some restaurants are allowed to stay open until 2 a.m. to feed college students.

These and other regulations came to the forefront following an investigation by the U.S. Department of Justice into another part of the city's land-use code.

The department notified the city last year that requiring religious institutions in residential neighborhoods to apply for special-use permits was a violation of federal law called the "Religious Land Use and Institutionalized Persons Act of 2000."

Commissioners voted to come into compliance with the law by reducing the barrier from a special-use permit to the less-difficult-to-obtain city manager's permit.

Also, to be in compliance with federal law, all groups, including schools and fraternal organizations, are now required to obtain city manager's permits to operate in single-family neighborhoods.

Amid those changes, several other regulations for religious assembly have come under fire.

City Commissioner Ed Braddy says regulations on churches or shelters are important to protect residential areas from the noise and disruption commonly associated with large organizations of people - such as churches.

"There should be concern about activity that is not consistent with a single-family zoning neighborhood," Braddy said. "The advocates for the homeless have deliberately misrepresented this to a lot of people by saying we're trying to shut down their ability to assist the homeless."

City Commissioner Craig Lowe said his hope is that the city can "fulfill the needs of the providers for social services . . . but at the same time protect the interest of single-family neighborhoods."

Ferguson said he wasn't surprised to learn that his church was violating city ordinances by feeding the homeless.

"Let's just say there's a reason that the American Revolution is sometimes referred to as 'that Presbyterian uprising,' " he said. "Civil disobedience is not necessarily something that is foreign to my calling."

Ferguson's church is not complying with the following rules for food distribution to the needy:

The center may serve no more than 20 meals in a 24-hour period.

The center may not be closer than 1,320 feet from any other place of religious assembly distributing food.

The center must file a plan that outlines hours of operation, management of solid waste, litter and lighting.

Ann Pierson, who coordinates IHN at Holy Trinity Episcopal Church, said her church's long-held

tradition of feeding the homeless breakfast every Sunday morning would be put to an end.

"Frequently we serve anywhere from 60 to 100 people. That's well over the 20-person limit," Pierson said. "I think it's better not to have rules on the books that you don't enforce."

Both Pierson and Ferguson said that, to their knowledge, residents around their churches have never complained about noise, trash or disruption associated with their services.

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