

ORDINANCE NO. 2025 - 10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLORENCE, SOUTH CAROLINA, IMPOSING A TEMPORARY MORATORIUM ON FINAL APPROVAL OF DEVELOPMENT PLANS AND OTHER APPROVALS RELATING TO PROPERTIES THAT CONTAIN GRAVES, CEMETERIES, OR GRAVEYARDS FOR THE PURPOSE OF ENABLING CONSIDERATION BY THE CITY COUNCIL OF THE CITY OF FLORENCE, SOUTH CAROLINA OF RECOMMENDATIONS RELATING TO AMENDMENTS TO DEVELOPMENT REGULATIONS OF THE CITY REGARDING GRAVES, CEMETERIES, OR GRAVEYARDS AND FURTHER INVOKING THE PENDING ORDINANCE DOCTRINE WITH RESPECT TO SUCH TEMPORARY MORATORIUM IN ANTICIPATION OF SUCH AMENDMENTS.

WITNESSETH:

WHEREAS, graves, cemeteries, and graveyards are among the most sacred and protected places in our landscape and are protected from desecration and destruction under South Carolina law; and

WHEREAS, the City of Florence; South Carolina (the “City”) is legally required and ideologically committed to the protection of and respect for graves, cemeteries, and graveyards; and

WHEREAS, as the City limits of the City have expanded in recent decades, rural lands containing graves, cemeteries, and graveyards have become part of the City and have been proposed for development in the City, which process involves the City’s zoning and planning functions; and

WHEREAS, the City’s current zoning, planning, and development regulations contain no provisions to ensure that developments in the City of properties containing graves, cemeteries, or graveyards ensure that such are not destroyed or desecrated, and that they remain accessible to the families of those interred in them as required by South Carolina law; and

WHEREAS, the City Council of the City (“the City Council”) desires to create such protections by adding to the Unified Development Ordinance provisions governing development of properties containing graves, cemeteries, and graveyards; and

WHEREAS, the City staff and attorneys are diligently researching issues relating to development of properties containing graves, cemeteries, or graveyards and are preparing an ordinance for consideration by the City Council that will provide for the protections set forth above (the “Cemetery Development Ordinance”); and

WHEREAS, the City Council anticipates that the Cemetery Development Ordinance will be presented to the City’s Planning Commission at its regular meeting in March for a public hearing and recommendation to the City Council, followed by two readings at City Council regular meetings and will ultimately receive final approval at the City Council’s May 12, 2025 regular meeting; and

WHEREAS, City Council finds that there is an immediate danger of destruction of graves, cemeteries, and graveyards if development of properties containing such prior to the enactment of the Cemetery Development Ordinance; and

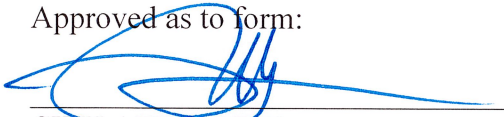
WHEREAS, the City Council determines that it is prudent and in the best interests of the residents of the City to enact a temporary moratorium with respect to any final approvals of development plans or other approvals by the City with respect to properties containing graves, cemeteries, and graveyards, and to invoke the Pending Ordinance Doctrine with respect to such subject in light of the development of the Cemetery Development Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City in meeting duly assembled that:

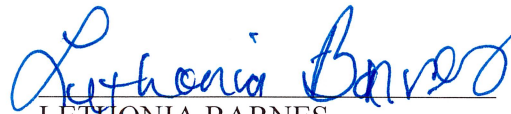
- a. Final approvals of development plans or other approvals by the City with respect to properties containing graves, cemeteries, and graveyards are prohibited and a temporary Moratorium with respect to such actions for the reasons cited herein is declared.
- b. The Pending Ordinance Doctrine is invoked with respect to the purpose of such temporary moratorium, which is imposed in light of the development and anticipated pendency of the Cemetery Development Ordinance described above.
- c. The moratorium imposed hereby shall expire the earlier of June 9, 2025 or the enactment of the Cemetery Development Ordinance.

ADOPTED this 10 day of March, 2025

Approved as to form:

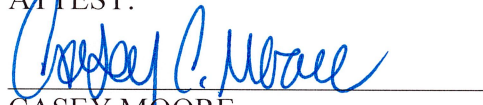


CITY ATTORNEY



LETHONIA BARNES
MAYOR

ATTEST:



CASEY MOORE
MUNICIPAL CLERK