

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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**SENATE BILL 330
State Government, Local Government, and Veterans' Affairs Committee
Substitute Adopted 3/27/03
Third Edition Engrossed 4/1/03**

Short Title: Raleigh/Holly Springs/Rutherfordton Clear-Cutting. (Local)

Sponsors:

Referred to:

March 10, 2003

A BILL TO BE ENTITLED

1
2 AN ACT AUTHORIZING THE CITY OF RALEIGH AND THE TOWNS OF HOLLY
3 SPRINGS AND RUTHERFORDTON TO LIMIT THE CLEAR-CUTTING OF
4 TREES IN BUFFER ZONES PRIOR TO DEVELOPMENT AND AUTHORIZING
5 THE CITY OF RALEIGH AND THE TOWN OF RUTHERFORDTON TO
6 ALLOW FOR THE PROTECTION OF SPECIMEN TREES DURING THE
7 DEVELOPMENT PROCESS.

8 The General Assembly of North Carolina enacts:

9 **SECTION 1.(a)** A municipality may adopt ordinances to regulate the
10 removal and preservation of existing trees and shrubs prior to development within a
11 perimeter buffer zone of up to 50 feet along public roadways and property boundaries
12 adjacent to developed properties and up to 25 feet along property boundaries adjacent to
13 undeveloped properties.

14 **SECTION 1.(b)** Ordinances adopted pursuant to this act shall:

- 15 (1) Provide that the required buffer area shall not exceed twenty percent
16 (20%) of the area of the tract, net of public road rights-of-way and any
17 required conservation easements.
18 (2) Provide that buffer zones that adjoin public roadways shall be
19 measured from the edge of the public road right-of-way.
20 (3) Provide that tracts of two acres or less, net of public road
21 rights-of-way, that are zoned for single-family residential use are
22 exempt from the requirements of the ordinances.
23 (4) Provide that the ordinances are limited to situations where
24 undeveloped property is planned or zoned in accordance with adopted
25 municipal plans and zoning regulations.
26 (5) Provide that a survey of individual trees is not required.

- 1 (6) Include reasonable provisions for access onto and within the subject
2 property.
- 3 (7) Exclude normal forestry activities on property taxed under the
4 present-use value standard or conducted pursuant to a forestry
5 management plan prepared or approved by a forester registered
6 pursuant to Chapter 89B of the General Statutes. However, for such
7 properties, a municipality may deny a building permit or refuse to
8 approve a site or subdivision plan for a period of three years following
9 completion of the harvest if all or substantially all of the perimeter
10 buffer trees that should have been protected were removed from the
11 tract of land for which the permit or plan approval is sought. A
12 municipality may deny a permit or refuse to approve a site or
13 subdivision plan for a period of two years if the owner replants the
14 buffer area within 120 days of harvest with plant material that is
15 consistent with buffer areas required under the municipality's
16 ordinances.

17 **SECTION 2.** Before adopting an ordinance authorized by Section 1 of this
18 act, the governing board of the municipality shall hold a public hearing on the proposed
19 ordinance. Notice of the public hearing shall be given in accordance with G.S.
20 160A-364.

21 **SECTION 3.** Nothing in Sections 1 and 2 of this act shall be construed to
22 limit or be limited by any other existing laws or ordinances.

23 **SECTION 4.** Section 4 of S.L. 2001-191 reads as rewritten:

24 "**SECTION 4.** This act shall apply only to the ~~City of Durham~~ Cities of Durham and
25 Raleigh and the Towns of Rutherfordton, Cary, Garner, Morrisville, Knightdale,
26 Fuquay-Varina, and Spencer and to property located within the municipality's corporate
27 limits and extraterritorial planning jurisdiction under Article 19 of Chapter 160A of the
28 General Statutes."

29 **Section 5.** Sections 1 through 3 of this act shall apply only to the Town of
30 Holly Springs and to property located within the Town's corporate limits and
31 extraterritorial planning jurisdiction under Article 19 of Chapter 160A of the General
32 Statutes.

33 **SECTION 6.** This act becomes effective January 1, 2004.