

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

3

HOUSE BILL 910*
Committee Substitute Favorable 4/18/01
Third Edition Engrossed 4/25/01

Short Title: Cary, Garner, and Spencer Clear-Cutting.

(Local)

Sponsors:

Referred to:

March 29, 2001

A BILL TO BE ENTITLED

1
2 AN ACT AUTHORIZING THE TOWNS OF CARY, GARNER, MORRISVILLE,
3 KNIGHTDALE, FUQUAY-VARINA, AND SPENCER TO LIMIT THE CLEAR-
4 CUTTING OF TREES IN BUFFER ZONES PRIOR TO DEVELOPMENT AND
5 ALLOW FOR THE PROTECTION OF SPECIMEN TREES DURING THE
6 DEVELOPMENT PROCESS.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.(a)** A municipality may adopt ordinances to regulate the
9 removal and preservation of existing trees and shrubs prior to development within a
10 perimeter buffer zone of up to 65 feet along roadways and property boundaries adjacent
11 to developed properties and up to 32 feet along property boundaries adjacent to
12 undeveloped properties. All such buffer zones shall be measured from the outside
13 boundary of any property, including property zoned for residential and nonresidential
14 use. The purpose of such ordinances shall be to protect existing trees and shrubs for use
15 as future buffers.

16 **SECTION 1.(b)** Ordinances adopted pursuant to this act shall be limited to
17 situations where undeveloped property is planned or zoned for residential or
18 nonresidential use in accordance with adopted municipal plans and zoning regulations.
19 Such ordinances shall include reasonable provisions for access onto and within the
20 subject property.

21 **SECTION 1.(c)** Notwithstanding any limitations contained in Section 1(a), a
22 municipality may adopt ordinances to regulate the preservation and removal of
23 significant specimen or "champion" trees on sites being planned for new development.
24 Specific standards for identifying and designating such trees, including species and size,
25 shall be incorporated as part of any such ordinance.

26 **SECTION 1.(d)** Any ordinance adopted pursuant to this act shall exclude
27 normal forestry activities on property taxed under the present use value standard or
28 conducted pursuant to a forestry management plan prepared or approved by a forester

1 registered pursuant to Chapter 89B of the General Statutes. Notwithstanding the
2 provisions of this subsection, a municipality may deny a building permit or refuse to
3 approve a site or subdivision plan for a period of five years if the applicant has caused
4 all the perimeter buffer trees which should have been protected to be removed from the
5 tract of land for which the permit or plan approval is sought or if the applicant bought
6 the land from another within two years of the removal of all the perimeter buffer trees
7 which should have been protected.

8 **SECTION 2.** Before adopting an ordinance authorized by Section 1 of this
9 act, the governing board of the municipality shall hold a public hearing on the proposed
10 ordinance. Notice of the public hearing shall be given in accordance with G.S.
11 160A-364.

12 **SECTION 3.** Nothing in this act shall be construed to limit or be limited by
13 any provisions of S.L. 2000-108 or any other existing laws or ordinances.

14 **SECTION 4.** This act shall apply only to the Towns of Cary, Garner,
15 Morrisville, Knightdale, Fuquay-Varina, and Spencer and to property located within the
16 municipality's corporate limits and extraterritorial planning jurisdiction under Article 19
17 of Chapter 160A of the General Statutes.

18 **SECTION 5.** This act is effective when it becomes law.