

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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SENATE BILL 1928

Short Title: Clayton/Clear-Cutting Trees. (Local)

Sponsors: Senator Smith.

Referred to: State and Local Government.

May 25, 2006

1 A BILL TO BE ENTITLED
2 AN ACT AUTHORIZING THE TOWN OF CLAYTON TO LIMIT THE
3 CLEAR-CUTTING OF TREES IN BUFFER ZONES PRIOR TO
4 DEVELOPMENT.

5 The General Assembly of North Carolina enacts:

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

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

- 12 (1) Provide that the requirement of the ordinances apply only to activity
13 occurring on undeveloped property prior to the approval of a site plan,
14 subdivision plan, or other authorized development plan or permit for
15 the property and that, after approval of a site plan, subdivision plan, or
16 other authorized development plan or permit for the property, the
17 property, including the property within the perimeter buffer zones,
18 may be developed in accordance with applicable regulations governing
19 development of the property.
- 20 (2) Provide that the area of the required perimeter buffer zones shall not
21 exceed twenty percent (20%) of the area of the tract, net of public road
22 rights-of-way, and any required conservation easements.
- 23 (3) Provide that the perimeter buffer zones that adjoin public roadways
24 shall be measured from the edge of the public road right-of-way.
- 25 (4) Provide that tracts of two acres or less are exempt from the
26 requirements of the ordinances.
- 27 (5) Provide that a survey of individual trees is not required.
- 28 (6) Include reasonable provisions for access onto and within the subject
29 property.

1 (7) Exclude forestry activities on property that is taxed on the basis of its
2 present-use value as forestland under Article 12 of Chapter 105 of the
3 General Statutes and forestry activity that is conducted in accordance
4 with a forestry management plan prepared or approved by a forester
5 registered pursuant to Chapter 89B of the General Statutes. However,
6 for the properties described in this subdivision, a municipality may
7 deny a building permit or refuse to approve a site or subdivision plan
8 for a period of up to three years after the completion of the forestry
9 activity if the forestry activity results in the removal of all or
10 substantially all of the trees that were protected under an ordinance
11 adopted pursuant to this act from the tract of land for which the permit
12 or plan approval is sought.

13 (8) Provide that a municipality may deny a building permit or refuse to
14 approve a site or subdivision plan for a period of up to three years after
15 the completion of the removal of trees from the required perimeter
16 buffer zones if the removal of trees results in the removal of all or
17 substantially all of the trees that were protected under an ordinance
18 adopted pursuant to this act from the tract of land for which the permit
19 or plan approval is sought.

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

24 **SECTION 3.** Nothing in this act shall be construed to limit or be limited by
25 any other existing laws or ordinances.

26 **SECTION 4.** This act applies to the Town of Clayton only and to property
27 located within the Town's corporate limits and extraterritorial planning jurisdiction
28 under Article 19 of Chapter 160A of the General Statutes.

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