

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1999**

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HOUSE BILL 684

Committee Substitute Favorable 4/15/99

Senate State and Local Government Committee Substitute Adopted 6/21/99

Fourth Edition Engrossed 6/23/99

Short Title: Municipalities' Tree Ordinances.

(Local)

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Sponsors:

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Referred to:

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March 30, 1999

A BILL TO BE ENTITLED

1 AN ACT AUTHORIZING THE CITY OF KINSTON AND THE TOWNS OF APEX,  
2 CARY, GARNER, AND MORRISVILLE TO ADOPT ORDINANCES  
3 REGULATING REMOVAL, REPLACEMENT, AND PRESERVATION OF  
4 TREES AND SHRUBS WITHIN THE TOWNS AND THE TOWNS'  
5 EXTRATERRITORIAL PLANNING JURISDICTION AND AUTHORIZING THE  
6 TOWN OF HUNTERSVILLE TO ESTABLISH A VOLUNTARY TRANSFER OF  
7 DEVELOPMENT RIGHTS PILOT PROGRAM FOR THE PROTECTION OF  
8 FARMLAND, ENVIRONMENTALLY SENSITIVE LAND, AND OTHER OPEN  
9 LAND WITHIN THE TOWN'S EXTRATERRITORIAL JURISDICTION.  
10

11 The General Assembly of North Carolina enacts:

12 Section 1. In order to preserve and enhance one of the most valuable natural  
13 resources of the community and to protect the safety and welfare of its citizens, a  
14 municipality may adopt ordinances to regulate the planting, removal, and preservation of  
15 trees and shrubs on public and private property within the municipality. Any ordinance  
16 adopted pursuant to this section shall exclude property to be developed for single-family  
17 or duplex residential uses and shall exclude normal forestry activities conducted pursuant

1 to a forestry management plan prepared or approved by a forester registered pursuant to  
2 Chapter 89B of the General Statutes.

3 Section 2. Prior to adopting an ordinance authorized by Section 1 of this act, a  
4 public hearing shall be held before the municipality's governing board. Notice of the  
5 hearing shall be given in accordance with G.S. 160A-364.

6 Section 3. This act shall apply only to the City of Kinston and the Towns of  
7 Apex, Cary, Garner, and Morrisville and to the areas within those towns' extraterritorial  
8 planning jurisdiction under Article 19 of Chapter 160A of the General Statutes.

9 Section 4.(a) In order to protect and sustain the natural resources of the  
10 community and provide for orderly planned growth, the Town of Huntersville may  
11 establish a voluntary transfer of development rights pilot program to facilitate the  
12 protection of farmland, environmentally sensitive land, and other open land in the  
13 municipality and its extraterritorial jurisdiction. The Town may adopt ordinances that it  
14 deems necessary or appropriate to implement the pilot program, and these ordinances  
15 may provide that the owner of property described herein may voluntarily transfer the  
16 development rights accruing to his or her property under Article 19 of Chapter 160A of  
17 the General Statutes from no more than 1,000 acres located in the open space zoning  
18 district to other qualified property located in the open space zoning district. Development  
19 rights shall be computed on a per acre basis. The pilot program may authorize the Town  
20 to purchase, hold, and convey such rights or to facilitate the direct voluntary transfer of  
21 rights between properties. The transfer of rights from or to property shall not be deemed  
22 a rezoning of the property requiring compliance with Article 19 of Chapter 160A of the  
23 General Statutes.

24 Section 4.(b) Prior to adopting the pilot program authorized in this section, the  
25 Mayor shall appoint an Implementation Task Force to advise the Mayor and Board of  
26 Commissioners on minimum standards for participation of transferring properties, criteria  
27 for establishing receiving zones responsive to market conditions, and administrative and  
28 other structural and operational issues of pilot program implementation. The  
29 Implementation Task Force shall include, but not be limited to, property owners,  
30 development and building industry representatives, and representatives from the  
31 Huntersville Board of Commissioners. The Town shall convene no fewer than four  
32 meetings of the Implementation Task Force during a period of not less than 90 days and  
33 not more than 120 days. The Task Force shall report its recommendations to the Mayor,  
34 Board of Commissioners, Huntersville Planning Board, and to the community.

35 Section 4.(c) Upon receipt of the Implementation Task Force's report, but prior to  
36 the adoption of the pilot program, the Town shall sponsor a public workshop and the  
37 Town's governing body shall hold a public hearing. Notice of the public hearing shall be  
38 given in accordance with G.S. 160A-364 and given after the Town has complied with the  
39 requirements for the adoption of amendments to the Town's zoning ordinance.

40 Section 4.(d) Authorization to implement the pilot program under this section  
41 shall expire five years after the adoption of zoning ordinance amendments establishing  
42 districts to accommodate transferable development rights or after the transfer cap of

- 1 1,000 acres has been exhausted, whichever occurs first. Development rights transactions  
2 in process on the date the authorization expires may be completed.  
3           Section 4.(e) This section shall apply only to the Town of Huntersville.  
4           Section 5. This act is effective when it becomes law.