

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

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HOUSE BILL 679  
Committee Substitute Favorable 4/9/03

Short Title: Raleigh/Wake Clear-Cutting.

(Local)

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Sponsors:

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Referred to:

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March 26, 2003

A BILL TO BE ENTITLED

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

8 The General Assembly of North Carolina enacts:

9 **SECTION 1.** Section 4 of S.L. 2001-191 reads as rewritten:

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

15 **SECTION 2.(a)** A county may adopt ordinances to regulate the removal and  
16 preservation of existing trees and shrubs prior to development within a perimeter buffer  
17 zone of up to 50 feet along public roadways and property boundaries adjacent to  
18 developed properties and up to 25 feet along property boundaries adjacent to  
19 undeveloped properties.

20 **SECTION 2.(b)** Ordinances adopted pursuant to this section shall:

- 21 (1) Provide that the required buffer area shall not exceed twenty percent  
22 (20%) of the area of the tract, net of public road rights-of-way and any  
23 required conservation easements.  
24 (2) Provide that buffer zones that adjoin public roadways shall be  
25 measured from the edge of the public road right-of-way.  
26 (3) Provide that tracts of two acres or less, net of public road  
27 rights-of-way, that are zoned for single-family residential use are  
28 exempt from the requirements of the ordinances.

- 1 (4) Provide that the ordinances are limited to situations where  
2 undeveloped property is planned or zoned in accordance with adopted  
3 planning and zoning regulations.
- 4 (5) Provide that a survey of individual trees is not required.
- 5 (6) Include reasonable provisions for access onto and within the subject  
6 property.
- 7 (7) Exclude normal forestry activities on property taxed under the  
8 present-use value standard or conducted pursuant to a forestry  
9 management plan prepared or approved by a forester registered  
10 pursuant to Chapter 89B of the General Statutes. However, for such  
11 properties, a county may deny a building permit or refuse to approve a  
12 site or subdivision plan for a period of three years following  
13 completion of the harvest if all or substantially all of the perimeter  
14 buffer trees that should have been protected were removed from the  
15 tract of land for which the permit or plan approval is sought. A county  
16 may deny a permit or refuse to approve a site or subdivision plan for a  
17 period of two years if the owner replants the buffer area within 120  
18 days of harvest with plant material that is consistent with buffer areas  
19 required under the county's ordinances.

20 **SECTION 2.(c)** Before adopting an ordinance under this section, the board  
21 of commissioners shall hold a public hearing on the proposed ordinance. Notice of the  
22 public hearing shall be given in accordance with G.S. 153A-323.

23 **SECTION 2.(d)** This section does not apply to areas located within the  
24 corporate limits or extraterritorial planning jurisdiction under Article 19 of Chapter  
25 160A of the General Statutes of any municipality.

26 **SECTION 2.(e)** This section applies to Wake County only.

27 **SECTION 3.** This act is effective when it becomes law, except that Section  
28 2 becomes effective January 1, 2004.