

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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SENATE DRS55448-LM-192 (05/16)

Short Title: Clayton/Clear-Cutting Trees.

(Local)

Sponsors: Senator Smith.

Referred to:

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE TOWN OF CLAYTON TO LIMIT THE
CLEAR-CUTTING OF TREES IN BUFFER ZONES PRIOR TO
DEVELOPMENT.

The General Assembly of North Carolina enacts:

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

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

- (1) Provide that the requirement of the ordinances apply only to activity occurring on undeveloped property prior to the approval of a site plan, subdivision plan, or other authorized development plan or permit for the property and that, after approval of a site plan, subdivision plan, or other authorized development plan or permit for the property, the property, including the property within the perimeter buffer zones, may be developed in accordance with applicable regulations governing development of the property.
- (2) Provide that the area of the required perimeter buffer zones shall not exceed twenty percent (20%) of the area of the tract, net of public road rights-of-way, and any required conservation easements.
- (3) Provide that the perimeter buffer zones that adjoin public roadways shall be measured from the edge of the public road right-of-way.
- (4) Provide that tracts of two acres or less are exempt from the requirements of the ordinances.
- (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 forestry activities on property that is taxed on the basis of its
4 present-use value as forestland under Article 12 of Chapter 105 of the
5 General Statutes and forestry activity that is conducted in accordance
6 with a forestry management plan prepared or approved by a forester
7 registered pursuant to Chapter 89B of the General Statutes. However,
8 for the properties described in this subdivision, a municipality may
9 deny a building permit or refuse to approve a site or subdivision plan
10 for a period of up to three years after the completion of the forestry
11 activity if the forestry activity results in the removal of all or
12 substantially all of the trees that were protected under an ordinance
13 adopted pursuant to this act from the tract of land for which the permit
14 or plan approval is sought.
- 15 (8) Provide that a municipality may deny a building permit or refuse to
16 approve a site or subdivision plan for a period of up to three years after
17 the completion of the removal of trees from the required perimeter
18 buffer zones if the removal of trees results in the removal of all or
19 substantially all of the trees that were protected under an ordinance
20 adopted pursuant to this act from the tract of land for which the permit
21 or plan approval is sought.

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

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

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

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