

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

**SESSION LAW 2003-128
HOUSE BILL 679**

AN ACT AUTHORIZING THE CITY OF RALEIGH TO LIMIT THE CLEAR-CUTTING OF TREES IN BUFFER ZONES PRIOR TO DEVELOPMENT AND ALLOW FOR THE PROTECTION OF SPECIMEN TREES DURING THE DEVELOPMENT PROCESS, AND TO ALLOW WAKE COUNTY AND THE TOWN OF RUTHERFORDTON TO LIMIT THE CLEAR-CUTTING OF TREES IN BUFFER ZONES PRIOR TO DEVELOPMENT.

The General Assembly of North Carolina enacts:

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

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

SECTION 2.(a) A county may adopt ordinances to regulate the removal and preservation of existing trees and shrubs 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 2.(b) Ordinances adopted pursuant to this section shall:

- (1) Provide that the required buffer area shall not exceed twenty percent (20%) of the area of the tract, net of public road rights-of-way and any required conservation easements.
- (2) Provide that buffer zones that adjoin public roadways shall be measured from the edge of the public road right-of-way.
- (3) Provide that tracts of two acres or less, net of public road rights-of-way, that are zoned for single-family residential use are exempt from the requirements of the ordinances.
- (4) Provide that the ordinances are limited to situations where undeveloped property is planned or zoned in accordance with adopted planning and zoning regulations.
- (5) Provide that a survey of individual trees is not required.
- (6) Include reasonable provisions for access onto and within the subject property.
- (7) Exclude normal forestry activities on property taxed under the present-use value standard or conducted pursuant to a forestry management plan prepared or approved by a forester registered pursuant to Chapter 89B of the General Statutes. However, for such properties, a county may deny a building permit or refuse to approve a site or subdivision plan for a period of three years following completion of the harvest if all or substantially all of the perimeter buffer trees that should have been protected were removed from the tract of land for which the permit or plan approval is sought. A county may deny a permit or refuse to approve a site or subdivision plan for a period of two years if the owner replants the buffer area within 120

days of harvest with plant material that is consistent with buffer areas required under the county's ordinances.

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

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

SECTION 2.(e) This section applies to the Town of Rutherfordton and to Wake County only.

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

In the General Assembly read three times and ratified this the 2nd day of June, 2003.

s/ Beverly E. Perdue
President of the Senate

s/ Richard T. Morgan
Speaker of the House of Representatives