

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005**

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**SENATE BILL 1928  
Second Edition Engrossed 6/15/06  
House Committee Substitute Favorable 6/28/06  
House Committee Substitute #2 Favorable 7/6/06**

Short Title: Clayton/Reidsville Clear-Cutting.

(Local)

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Sponsors:

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Referred to:

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May 25, 2006

A BILL TO BE ENTITLED

1  
2 AN ACT AUTHORIZING THE TOWN OF CLAYTON AND THE CITY OF  
3 REIDSVILLE TO LIMIT THE CLEAR-CUTTING OF TREES IN BUFFER  
4 ZONES PRIOR TO 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 section shall:

- 12 (1) Provide that the requirement of the ordinances applies 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.

- 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 agricultural, horticultural, or forestland under  
5                   Article 12 of Chapter 105 of the General Statutes and forestry activity  
6                   that is conducted in accordance with a forestry management plan  
7                   prepared or approved by a forester registered pursuant to Chapter 89B  
8                   of the General Statutes. However, for the properties described in this  
9                   subdivision, a municipality may deny a building permit or refuse to  
10                  approve a site or subdivision plan for a period of up to three years after  
11                  the completion of the forestry activity if the forestry activity results in  
12                  the removal of all or substantially all of the trees that were protected  
13                  under an ordinance adopted pursuant to this act from the tract of land  
14                  for which the permit 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 1.(c)** Before adopting an ordinance authorized by this section, the  
23 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 1.(d)** Nothing in this section shall be construed to limit or be  
27 limited by any other existing laws or ordinances.

28           **SECTION 1.(e)** This section applies to the Town of Clayton and the City of  
29 Reidsville only and to property located within the municipalities' corporate limits and  
30 extraterritorial planning jurisdiction under Article 19 of Chapter 160A of the General  
31 Statutes.

32           **SECTION 2.** This act is effective when it becomes law.