

**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**

Short Title: Clayton/Reidsville Clear-Cut/Clayton Annex.

(Local)

Sponsors:

Referred to:

May 25, 2006

A BILL TO BE ENTITLED

1 AN ACT AUTHORIZING THE TOWN OF CLAYTON AND THE CITY OF
2 REIDSVILLE TO LIMIT THE CLEAR-CUTTING OF TREES IN BUFFER
3 ZONES PRIOR TO DEVELOPMENT, AND TO ALLOW ANNEXATION OF
4 CERTAIN DESCRIBED PROPERTY IN JOHNSTON COUNTY TO THE
5 CORPORATE LIMITS OF THE TOWN OF CLAYTON.
6

7 The General Assembly of North Carolina enacts:

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

13 **SECTION 1.(b)** Ordinances adopted pursuant to this section shall:

- 14 (1) Provide that the requirement of the ordinances apply only to activity
15 occurring on undeveloped property prior to the approval of a site plan,
16 subdivision plan, or other authorized development plan or permit for
17 the property and that, after approval of a site plan, subdivision plan, or
18 other authorized development plan or permit for the property, the
19 property, including the property within the perimeter buffer zones,
20 may be developed in accordance with applicable regulations governing
21 development of the property.
- 22 (2) Provide that the area of the required perimeter buffer zones shall not
23 exceed twenty percent (20%) of the area of the tract, net of public road
24 rights-of-way, and any required conservation easements.
- 25 (3) Provide that the perimeter buffer zones that adjoin public roadways
26 shall be measured from the edge of the public road right-of-way.
- 27 (4) Provide that tracts of two acres or less are exempt from the
28 requirements of the ordinances.

- 1 (5) Provide that a survey of individual trees is not required.
- 2 (6) Include reasonable provisions for access onto and within the subject
- 3 property.
- 4 (7) Exclude forestry activities on property that is taxed on the basis of its
- 5 present-use value as agricultural, horticultural, or forestland under
- 6 Article 12 of Chapter 105 of the General Statutes and forestry activity
- 7 that is conducted in accordance with a forestry management plan
- 8 prepared or approved by a forester registered pursuant to Chapter 89B
- 9 of the General Statutes. However, for the properties described in this
- 10 subdivision, a municipality may deny a building permit or refuse to
- 11 approve a site or subdivision plan for a period of up to three years after
- 12 the completion of the forestry activity if the forestry activity results in
- 13 the removal of all or substantially all of the trees that were protected
- 14 under an ordinance adopted pursuant to this act from the tract of land
- 15 for which the permit or plan approval is sought.
- 16 (8) Provide that a municipality may deny a building permit or refuse to
- 17 approve a site or subdivision plan for a period of up to three years after
- 18 the completion of the removal of trees from the required perimeter
- 19 buffer zones if the removal of trees results in the removal of all or
- 20 substantially all of the trees that were protected under an ordinance
- 21 adopted pursuant to this act from the tract of land for which the permit
- 22 or plan approval is sought.

23 **SECTION 1.(c)** Before adopting an ordinance authorized by this section, the

24 governing board of the municipality shall hold a public hearing on the proposed

25 ordinance. Notice of the public hearing shall be given in accordance with

26 G.S. 160A-364.

27 **SECTION 1.(d)** Nothing in this section shall be construed to limit or be

28 limited by any other existing laws or ordinances.

29 **SECTION 1.(e)** This section applies to the Town of Clayton and the City of

30 Reidsville only and to property located within the municipalities' corporate limits and

31 extraterritorial planning jurisdiction under Article 19 of Chapter 160A of the General

32 Statutes.

33 **SECTION 2.(a)** Upon receipt of a petition for annexation complying with

34 the requirements of the first sentence of G.S. 160A-58.1(c) that covers all the territory

35 described below, that is certified as valid by the town clerk not later than January 1,

36 2008, there is annexed to the corporate limits of the Town of Clayton the following

37 described territory:

38 Part of property now or formerly Elizabeth Taylor Barber

39 (DB 423, PG 93, PIN: 1616-79-0505)

40 Cleveland Township, Johnston County, North Carolina

41 Situated in Cleveland Township, Johnston County, North Carolina, being more

42 particularly described as follows:

43 Commencing from a North Carolina Geodetic Survey Monument designated "Messer"

44 (NAD 83/2001 Grid Northing: 669,382.552 and Easting: 2,106,410.400) on a bearing of

1 N85-48-13E and a ground distance of 12,711.33' to a ¾" iron rebar found on the
2 southerly property line of the herein described property, now or formerly Elizabeth
3 Taylor Barber, and the northerly property line now or formerly D & S Properties, LLC,
4 at the westerly claimed right-of-way of NC Highway 50, said iron rebar being the
5 Control Corner and True Point of Beginning for the said property herein described;
6 Thence leaving said right-of-way N87-58-30W, 1,067.24' to a ¾" iron rebar found;
7 Thence N01-29-14E, 488.69' to a PK set in the centerline of NC Highway 42; Thence
8 N86-29-04E, 1121.16' to a PK set at the intersection of the centerline of NC Highway
9 42 and the centerline of NC Highway 50; Thence S01-27-29W, 596.94' to a PK found in
10 the centerline of NC Highway 50; Thence N87-58-30W, 50.00' to the True Point of
11 Beginning, containing a gross area of 606,357 square feet (13.920 acres), being the
12 Total Recombined Area, as shown on a map by Chas. H. Sells, Inc., located at 15401
13 Weston Parkway, Suite 100, Cary, NC 27513, titled "Recombination Survey Map
14 Middle Creek Commons Property of Elizabeth Taylor Barber Cleveland Township,
15 Johnston County, N.C.", dated May 30, 2006, and revised June 22, 2006.

16 **SECTION 2.(b)** This section only applies if the petition for annexation is
17 received on or before June 30, 2007, and the certification of the clerk that the petition is
18 valid is made no later than January 1, 2008. In such case, the town clerk shall cause to
19 be recorded and reported as provided by G.S. 160A-58.7 a copy of the petition, the
20 certification, and a copy of this section, as if it were an annexation ordinance.

21 **SECTION 3.** This act is effective when it becomes law.