

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

**SESSION LAW 2006-115
SENATE BILL 1928**

**AN ACT AUTHORIZING THE TOWN OF CLAYTON AND THE CITY OF
REIDSVILLE 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 section shall:

- (1) Provide that the requirement of the ordinances applies 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.
- (6) Include reasonable provisions for access onto and within the subject property.
- (7) Exclude forestry activities on property that is taxed on the basis of its present-use value as agricultural, horticultural, or forestland under Article 12 of Chapter 105 of the General Statutes and forestry activity that is conducted in accordance with a forestry management plan prepared or approved by a forester registered pursuant to Chapter 89B of the General Statutes. However, for the properties described in this subdivision, a municipality may deny a building permit or refuse to approve a site or subdivision plan for a period of up to three years after the completion of the forestry activity if the forestry activity results in the removal of all or substantially all of the trees that were protected under an ordinance adopted pursuant to this act from the tract of land for which the permit or plan approval is sought.
- (8) Provide that a municipality may deny a building permit or refuse to approve a site or subdivision plan for a period of up to three years after the completion of the removal of trees from the required perimeter buffer zones if the removal of trees results in the removal of all or

substantially all of the trees that were protected under an ordinance adopted pursuant to this act from the tract of land for which the permit or plan approval is sought.

SECTION 1.(c) Before adopting an ordinance authorized by this section, the governing board of the municipality shall hold a public hearing on the proposed ordinance. Notice of the public hearing shall be given in accordance with G.S. 160A-364.

SECTION 1.(d) Nothing in this section shall be construed to limit or be limited by any other existing laws or ordinances.

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

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

In the General Assembly read three times and ratified this the 13th day of July, 2006.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives