

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

**SESSION LAW 2003-246
HOUSE BILL 516**

**AN ACT AUTHORIZING THE CITIES OF ROCKINGHAM AND STATESVILLE
AND THE TOWN OF SMITHFIELD 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 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 1.(b) Ordinances adopted pursuant to this act 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 municipal plans 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 municipality 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 municipality 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 municipality's ordinances.

SECTION 2. Before adopting an ordinance authorized by Section 1 of this act, 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 3. Nothing in this act shall be construed to limit or be limited by any other existing laws or ordinances.

SECTION 4. This act shall apply only to the Cities of Rockingham and Statesville and the Town of Smithfield and to property located within the Cities' and Town's corporate limits and extraterritorial planning jurisdiction under Article 19 of Chapter 160A of the General Statutes.

SECTION 5. This act becomes effective January 1, 2004.

In the General Assembly read three times and ratified this the 25th day of June, 2003.

s/ Marc Basnight
President Pro Tempore of the Senate

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