

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2003**

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**HOUSE BILL 517**

Short Title: Holly Springs Tree Ordinances.

(Local)

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Sponsors: Representative Stam.

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Referred to: Local Government I.

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March 17, 2003

1                                   A BILL TO BE ENTITLED  
2 AN ACT AUTHORIZING THE TOWN OF HOLLY SPRINGS TO LIMIT THE  
3 CLEAR-CUTTING OF TREES IN BUFFER ZONES PRIOR TO  
4 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 and shrubs prior to development within a  
8 perimeter buffer zone of up to 50 feet along public roadways and property boundaries  
9 adjacent to developed properties and up to 25 feet along property boundaries adjacent to  
10 undeveloped properties.

11           **SECTION 1.(b)** Ordinances adopted pursuant to this act shall:

- 12           (1) Provide that the required buffer area shall not exceed twenty percent  
13           (20%) of the area of the tract, net of public road rights-of-way and any  
14           required conservation easements.
- 15           (2) Provide that buffer zones that adjoin public roadways shall be  
16           measured from the edge of the public road right-of-way.
- 17           (3) Provide that tracts of two acres or less, net of public road  
18           rights-of-way, that are zoned for single-family residential use are  
19           exempt from the requirements of the ordinances.
- 20           (4) Provide that the ordinances are limited to situations where  
21           undeveloped property is planned or zoned in accordance with adopted  
22           municipal plans and zoning regulations.
- 23           (5) Provide that a survey of individual trees is not required.
- 24           (6) Include reasonable provisions for access onto and within the subject  
25           property.
- 26           (7) Exclude normal forestry activities on property taxed under the  
27           present-use value standard or conducted pursuant to a forestry  
28           management plan prepared or approved by a forester registered  
29           pursuant to Chapter 89B of the General Statutes. However, for such

1 properties, a municipality may deny a building permit or refuse to  
2 approve a site or subdivision plan for a period of three years following  
3 completion of the harvest if all or substantially all of the perimeter  
4 buffer trees that should have been protected were removed from the  
5 tract of land for which the permit or plan approval is sought. A  
6 municipality may deny a permit or refuse to approve a site or  
7 subdivision plan for a period of two years if the owner replants the  
8 buffer area within 120 days of harvest with plant material that is  
9 consistent with buffer areas required under the municipality's  
10 ordinances.

11 **SECTION 2.** Before adopting an ordinance authorized by Section 1 of this  
12 act, the governing board of the municipality shall hold a public hearing on the proposed  
13 ordinance. Notice of the public hearing shall be given in accordance with G.S.  
14 160A-364.

15 **SECTION 3.** Nothing in this act shall be construed to limit or be limited by  
16 any other existing laws or ordinances.

17 **SECTION 4.** This act shall apply only to the Town of Holly Springs and to  
18 property located within the Town's corporate limits and extraterritorial planning  
19 jurisdiction under Article 19 of Chapter 160A of the General Statutes.

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