

CITY MANAGER'S WEEKLY REPORT

raleighnc.gov



CITY OF
Raleigh
MANAGER'S
OFFICE

Issue 2019-07

February 15, 2019

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Regular Council Meeting Tuesday, February 19; Lunch Work Session at 11:30

Council will meet in regular work session at **11:30 A.M.** in the **Council Chamber**. Please note the agenda for the lunch work session is included with the regular meeting agenda, and may be accessed via the BoardDocs electronic agenda system:

<http://boarddocs.com/nc/raleigh/board.nsf>

The **regular** Council meeting begins at **1:00 P.M.**

Reminder: If there is an item you would like to pull from the consent agenda for further discussion, please send an e-mail to mayorstaff@raleighnc.gov prior to 11 A.M. on the day of the meeting.

INFORMATION:

Shared Dockless Electric Scooter Operations - Request for Qualifications Update

Staff Resource: Michael Moore, Transportation, 996-3030, michael.moore@raleighnc.gov

City Council has recently indicated interest in the schedule for the issuance of the *Request for Qualifications*

(RFQ) for Shared Dockless Electric Scooter Operations. Staff is concluding the preparation and review of the RFQ document and plans to advertise the RFQ solicitation February 26.

(No Attachment)

Capital Area Greenway Master Plan Update

Staff Resource: Kris Nikfar, Parks, 996-4786, kris.nikfar@raleighnc.gov

Since inception almost 50 years ago, Raleigh's greenway program has helped protect over 4,000 acres of land along streams, rivers, and wetlands, and has paved the way for a robust trail network that is 117 miles long and growing.

Looking forward to the next 50 years, the Capital Area Greenway System will face many new challenges. Rapid urbanization, unprecedented demand for trail access, and intensifying storm and flood events necessitate an updated approach to managing and administering the greenway program.

The Capital Area Greenway Master Plan update process will provide a framework for the future of the greenway system, ensuring consistency with the City policies and priorities as established in both the Strategic and Comprehensive plans. The update will include a comprehensive needs assessment based on community feedback, a review of established greenway corridors and proposed trail projects, a high-level analysis for ADA compliance, and will identify new tools in the development process that can protect the community's natural resources while complementing sustainable growth. Funding for this plan update was approved in FY19 as part of the Capital Improvement Program.

The current version of the Capital Area Greenway Master Plan was adopted in 1989. An update will satisfy several goals and action items in the City of Raleigh Comprehensive Plan and will be undertaken as part of a 5-Year Update to the 2014 Parks, Recreation and Cultural Resources System Plan.

(No Attachment)

Wake Transit Work Plan Public Comment Period

Staff Resource: Kelly Wright, Transit, 996-4042, kelly.wright@raleighnc.gov

The Draft FY 2020 Wake Transit Work Plan is open for public comment. The public comment period runs through Sunday, March 3, but stakeholders have more time (through the month of March) to submit comments.

Background:

Each year, the Transit Planning Advisory Committee (TPAC) votes to recommend the annual Wake Transit Work Plan to both the NC Capital Area Metropolitan Planning Organization Executive Board and the GoTriangle Board of Trustees for their approval. The FY20 Draft Wake Transit Work Plan builds on the services implemented in FY19 by balancing the careful use of available funds with thoughtful transit improvements and by allocating money toward project-level studies and the next steps of major capital investments such as the commuter rail and Bus Rapid Transit projects.

In addition to the Draft FY 2020 Wake Transit Work Plan public comment period, GoRaleigh transit planners are providing a series of presentations to various stakeholders about the advancement of Bus Rapid Transit

corridors and associated planning work, such as the Raleigh Downtown Transportation Plan and Transit-Oriented Development and Affordable Housing Framework.

Presentation Dates & Locations:

February 14	New Bern Avenue Corridor Alliance (<i>completed</i>)
February 22	Bicycle and Pedestrian Advisory Commission
February 25	South Central CAC
March 12	North Central CAC
March 18	East CAC
April 1	Central CAC

Comments may be submitted at the [GoForward](#) website. Listed below are additional resources to review and share.

[Review the Draft Wake Transit FY2020 Work Plan](#)

[Informational PowerPoint](#)

[Wake Transit Plan Fact Sheet](#)

(No Attachment)

Access Restrictions Planned - Existing Median Break along Capital Boulevard

Staff Resource: Todd Edwards, Transportation, 996-4088, todd.edwards@raleighnc.gov

The North Carolina Department of Transportation (NCDOT) and the City of Raleigh Department of Transportation (RDOT) have identified a pattern of vehicular crashes resulting in driver injury at an existing median break along US 1. The private driveway, located just south of the Highwoods Boulevard intersection, provides full movement access to both an existing hotel (Best Western) and fast food site (Dunkin Donuts). RDOT staff have been working with NCDOT to study possible treatments to address the prevalent crash patterns. A five-year crash study was performed and traffic turning movements were counted.



Aerial View of Intersection

The crash study revealed that there is a strong pattern of crashes where vehicles exit the private drive and turn left (northbound) onto US 1 by way of the existing median opening. Several of these crashes resulted in driver injury. The most effective way to address the crash problem would be to close the existing median break along US 1, though this would be the most impactful to the existing businesses that use that driveway. Closing the median would convert the now full movement access for the existing properties to right-in right-out access onto US 1. City staff expressed concern about the possible impact closing the break in the median would create for the existing properties. NCDOT agreed to further investigate other options and conducted turning movement counts at the intersection. Turning movement counts show how many vehicles make a particular movement at an intersection. The results of the count identified that a very low percentage of vehicles coming from the site driveway turn left heading northbound on US 1. On the contrary, a proportionally larger number of vehicles turn left from northbound US 1 into the site driveway. It was determined that a directional crossover built into the existing median break along US 1 would be the most beneficial option since it would eliminate the problematic left turn movements out of the private driveway.

Since US 1 falls on the State Highway System, NCDOT has the authority to enact police powers to modify access to any state-maintained roadway. The impacts of restricting access can range from minor to severe, so the general policy is to notify the local jurisdiction before beginning work. This project was recently chosen for funding by the Transportation Board. The NCDOT tentative timeframe to let for construction is in the spring of 2021.

(No attachment)

Weekly Digest of Special Events

Staff Resource: Derrick Remer, Special Events Office, 996-2200, derrick.remer@raleighnc.gov

Included with the *Weekly Report* packet is the special events digest for the upcoming week.

(Attachment)

Council Member Follow Up Items

General Follow Up Item

Neuse Crossing Connector Trail Update (Council Member Cox)

Staff Resource: Lisa Schiffbauer, Parks, 996-4785, lisa.schiffbauer@raleighnc.gov

The Neuse Crossing Connector Trail project originated from a citizen-led request from the Neuse Crossing Subdivision, located adjacent to US 401 (Louisburg Road) and Mitchell Mill Road. Residents requested a means to access the Neuse River Trail from the community and surrounding neighborhoods east of the Neuse River. In September 2013 Council approved a budget item to design and construct a connection to the Neuse River Trail at US 401.

In an update to an item which appeared in *Weekly Report Issue 2018-27* (July 20), the construction bid has been awarded and a pre-construction meeting and Notice-to-Proceed is scheduled for February 21, 2019. The construction project is expected to be completed by June.

(No attachment)

Follow Up from the October 16 City Council Meeting

Speeding in School Zone Speeds (Mayor Pro Tem Branch)

Staff Resource: Todd Edwards, Transportation, 996-4088, todd.edwards@raleighnc.gov

During the meeting Council raised a concern about poor speed compliance in school zones and requested staff to report if anything could be done to help with compliance. Council also discussed if the Raleigh Police Department (RPD) has the necessary tools and resources to enforce school zone speeds.

School zones are allowed via State Statute. The respective jurisdiction can codify an area of roadway generally contiguous to the school property. The school zone designation allows an additional penalty to be levied to any driver that fails to comply with the posted speed at the school zone time. A school zone can have a lower posted speed limit for a time corresponding to the school bell times. Within the Raleigh city limits, there are currently seventy (70) public schools and fifteen (15) private and/or charter schools that have posted, codified school zones.

Annually RPD works with the Raleigh Department of Transportation (RDOT) to conduct an annual survey of school zone signage and pavement markings. From this survey, deficiencies are noted, and work orders are entered to refreshing pavement markings, replacing downed signs, and updating signs to reflect bell schedule changes. RDOT follows the Manual of Uniform Traffic Control Devices (MUTCD) and North Carolina Department of Transportation guidelines on the choice and placement of school zone signage and pavement markings.

RPD currently has eight positions specifically dedicated to all speed compliance concerns. In addition, approximately 250 of the marked blue and white police vehicles are equipped with speed measuring devices. There is not a specific number of officers assigned to School Zones. School Zones are worked utilizing beat officers and community officers from the Field Operations Division as one function of daily duties along with the Special Operations Motor Unit and the Detective Divisions SRO Unit.

While additional resources and equipment can always help, staff is taking on a new initiative that aligns with the Strategic Plan to develop a more consistent school zone policy. The concept is that clearly delineated and consistently marked school zones will achieve greater awareness and compliance. To achieve this initiative, an inventory of the existing signage and markings at all school zones was needed. The next step is removing redundant and unnecessary signage (e.g. sign clutter), refreshing faded school zone related pavement markings, and more effective signage at strategic locations. The last component will be to utilize flashing beacons at selected locations. Staff recently implemented a pilot program using existing infrastructure (flashers) in conjunction with signs and markings that were connected to the City's fiber optic network. This allows staff to remotely adjust the flashers on days that vary from normal schedules. Since



the flashers are connected to the City network, staff would be able to remotely adjust the flasher times so that when the bell schedules are adjusted (school holidays, summer break, delayed start, early release, etc.), there is less confusion for drivers. The location of the current pilot project for school zone flasher signs is along the frontage of Lacy Elementary (Lake Boone Trail) and Martin Middle (Ridge Road). City forces will expand this pilot project to other schools as resources allow.

Though enforcement will always be required to ensure compliance, the intent of the school zone flasher program is that a more robust delineation / notification will directly correlate to driver compliance and not require additional enforcement efforts from RPD.

(No attachment)

Follow Up from the November 13 City Council Meeting

Tree Conservation Authority (Council Member Cox)

Staff Resource: John Anagnost, City Planning, 996-2638, john.anagnost@raleighnc.gov

During the meeting Council discussed the City's ability to regulate trees. Council Member Cox requested additional information about the authority available to the City to require tree planting as part of a tree conservation ordinance. Council raised specific questions about the percentage of a site tree conservation requirements could cover, when replanting could be required as part of tree conservation, and the difference between tree conservation authority and landscaping authority.

A multi-departmental team has researched these items and have provided a memorandum which is included with the *Weekly Report* materials.

(Attachment)

Follow Up from the February 12 Council Work Session

Board and Commission Applicants (Council Member Mendell)

Staff Resource: Megan Hinkle, City Manager's Office, 996-3050, megan.hinkle@raleighnc.gov

During the work session Council received information about the current processes surrounding nominations and appointments to Council-appointed boards and commissions. The Council requested information for residents who have expressed their interest in an appointment to a city board via the City website.

Attached to the transmittal email please note a Microsoft Excel spreadsheet of submissions received since the current web form has been in place. Council staff are working with IT staff on a solution to deliver this information to Council online.

(Attachment to Transmittal Email)

Special Events Weekly Digest

Friday, February 15 – Thursday, February 21

City of Raleigh Special Events Office
speialevents@raleighnc.gov | (919) 996-2200 | www.raleighnc.gov/speialevents

Permitted Special Events

There are no permitted events during this time.

Upcoming Special Events Community Engagement Meeting

Special Events Community Engagement Meeting

Raleigh Convention Center

Monday, February 25

Event Time: 9:30am – 11:30am

Hear from event producers and learn more about upcoming Downtown Raleigh special events at a Special Events Community Engagement Meeting on Monday, February 25th from 9:30am - 11:30am at the Raleigh Convention Center. Hosted by the City of Raleigh Office of Emergency Management and Special Events and the Downtown Raleigh Alliance, the meeting will provide the opportunity to hear an overview of each event and ask questions. Please register online and find more information [here](#).

Other Events This Weekend

Great Backyard Bird Count at Dix Park

Friday, February 15

Dorothea Dix Park, Flowers Field

Hurricanes vs. Oilers

Friday, February 15

PNC Arena

The Music of Whitney Houston – North Carolina Symphony Pops Series

Friday, February 15 – Saturday, February 16

Meymandi Concert Hall

Downtown Raleigh Home Show

Friday, February 15 – Sunday, February 17

Raleigh Convention Center

Mamma Mia! – North Carolina Theatre

Friday, February 15 – Sunday, February 17

Memorial Auditorium

Love in the Times of the Day – Carolina Ballet

Friday, February 15 – Sunday, February 17

Fletcher Opera Theater

Hurricanes vs. Stars

Saturday, February 16

PNC Arena

The First Citizen: The Life and Legacy of Theophilus Hunter

Sunday, February 17

Mordecai Historic Park Visitor Center

Raleigh Trolley Celebrates Black History Month

Sunday, February 17

Mordecai Historic Park

Public Resources

Event Feedback Form: Tell us what you think about Raleigh events! We welcome citizen and participant feedback and encourage you to provide comments or concerns about any events regulated by the Special Events Office. We will use this helpful information in future planning.

Temporary Road Closures: A resource providing current information on street closures in Raleigh.

Online Events Calendar: View all currently scheduled events that are regulated by the City of Raleigh Special Events Office.

Council Member Follow Up



Raleigh

MEMO

TO: Ruffin L. Hall, City Manager

FROM: Travis Crane, Assistant Director; John Anagnost, Planner II

DEPARTMENT: City Planning

DATE: February 12, 2019

SUBJECT: City of Raleigh Tree Conservation Authority

Summary

Municipalities in North Carolina have a general authority to require a developer to add vegetation to a development site as part of their zoning authority. This authority is commonly expressed in landscaping requirements. The authority to require the conservation of existing trees has been granted by the General Assembly to a limited number of municipalities and only for a limited set of purposes.

Raleigh has been granted the authority to require tree conservation during land development for the purpose of protecting “champion” trees, riparian areas, and water supply watersheds as well as within zoning districts oriented toward resource management. In resource management districts, replanting may be imposed in areas where trees have been removed. Tree conservation authority has also been granted to the City of Raleigh for areas along the boundaries of development sites (sometimes referred to as a perimeter buffer). This authority is intended to ensure that trees which could be used for landscaped buffers are not removed during grading or other site preparation activities.

The result of these authorities is that, other than in resource management districts such as the Conservation Management district, tree conservation measures may not require replanting in areas where tree conservation is required but trees are not present. Conversely, a general planting (landscaping) requirement applies whether or not trees exist in the planting area.

Background

At the November 13, 2018 meeting of the City Council, the Council members had a discussion about the City's ability to regulate trees. Council Member Cox requested additional information about the authority the City has to require tree planting as part of a tree conservation ordinance. Specific questions that were raised by Council members included what percentage of a site could tree conservation requirements cover, when could replanting be required as part of tree conservation, and what is the difference between tree conservation authority and landscaping authority.

Granted Authority

North Carolina is a Dillon's Rule state, meaning that any planning and zoning authority exercised by a municipal government or board must be explicitly delegated by the General Assembly. The City of Raleigh draws much of its authority to regulate land use and development from the state's zoning enabling statutes, which are found in General Statutes Section 160A, Article 19 “Planning and Regulation of Development.” Specifically, Section 160A-381 states that the zoning ordinance may regulate “the size of yards, courts and other open spaces” as well as the use of land.

The general zoning authority includes the ability to require developments to include landscaping. Raleigh makes use of its general zoning authority to require many forms of landscaping such as perimeter buffers, street protective yards, neighborhood transition areas, and planted islands in parking lots. For some landscaping provisions

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222 West Hargett Street
Raleigh, North Carolina 27601

One Exchange Plaza
1 Exchange Plaza, Suite 1020
Raleigh, North Carolina 27601

City of Raleigh
Post Office Box 590 • Raleigh
North Carolina 27602-0590
(Mailing Address)

in the Unified Development Ordinance (UDO), existing trees may be used to fulfill the planting requirement. However, the lack of existing trees cannot be used to exempt a development from these standards. If there are no trees in the designated landscaping area, new trees must be planted.

The City of Raleigh has been granted additional regulatory authority by the General Assembly for the purpose of preserving trees. This authority applies to particular types of trees, environmentally sensitive locations, zoning districts that have been created to manage environmental resources, and the outer edges of development sites. This authority comes from three session laws: SL 556-238 (1985), SL 2001-191 (HB 910), and SL 2003-330. A copy of the session laws is attached to this memo.

These session laws create a limited set of circumstances where the City of Raleigh, along with other cities named in the session laws, can require trees to be retained during development. These circumstances are:

- Individually significant trees
 - Champion trees as identified by the American Forestry Association or the NC Division of Forestry Resources [now called the NC Forest Service]
 - Trees designated as historic
 - Threatened or endangered species of trees
- Environmentally sensitive areas
 - Floodways and slopes greater than 45% adjacent to floodways
 - Water supply watershed protection areas
 - Resource management zoning districts
- To prevent clearcutting
 - Within 65 feet of a roadway
 - Within 65 feet of the boundary of developed property
 - Within 32 feet of the boundary of undeveloped property

The City may require removed trees to be replaced in resource management zoning districts. It is important to note that “forestation” required by Raleigh’s resource management districts (like the Falls Watershed Protection Overlay District) is protected by the zoning code but has different standards and enforcement mechanisms than Tree Conservation Areas. For the tree conservation measures that prevent clearcutting, a lot zoned for single family use with an area of less than two acres is exempt. Additionally, the perimeter buffer conservation area may not take up more than 20% of the development site. State authority for protecting the perimeter buffer does not allow the City to require replanting in these areas except as part of a general landscaping requirement.

Analysis

While landscaping requirements may allow for the use of existing trees to meet a defined standard, landscaping requirements may not be applied only where there are existing trees. Any landscaping standard would need to be enforced uniformly for any development site. Tree conservation regulations operate in nearly the reverse fashion. They apply where trees already exist, though replanting may be required in resource management zoning districts. If trees are not present, then tree conservation standards generally do not apply. In particular, tree conservation measures for perimeter buffers of development sites are not permitted by state law to require replanting.

The regulatory authority to require a developer to plant new trees is fairly broad. The regulatory authority to require conservation of existing trees is more narrowly defined. This combination of zoning authorities indicates that the generalized desire for tree cover does not permit the City to discriminate based on whether trees are present or not. Under the general zoning authority in North Carolina, a new tree is considered equivalent to an existing tree except in a limited set of clearly-defined circumstances.

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION

CHAPTER 556
SENATE BILL 238

AN ACT AS TO THE CITIES OF ASHEVILLE AND RALEIGH CONCERNING
TREE REGULATION AND TO ALLOW THEM TO EXERCISE EMINENT
DOMAIN POWERS FOR OPEN SPACE.

The General Assembly of North Carolina enacts:

Section 1. To preserve, protect, and enhance one of the most valuable natural resources of the community, a city may:

- (1) Enact and enforce ordinances to regulate the planting, maintenance, removal, replacement, grading, and preservation on public and private property of the following trees and other plants:

- a. Trees which are listed as the champion or co- champion of its species, either on the

- "National Big Tree List" as compiled by the American Forestry Association or the "Champion Big Trees of North Carolina" as compiled by the North Carolina Division of Forestry Resources;

- b. Trees which are designated an historic property; or

- c. Species or higher taxon of plants or group or colony of such plants either listed as protected plants by the North Carolina Plant Conservation Board or specifically ordained by the city council as endangered, threatened, or of special concern.

No removal of the above-mentioned trees or plants shall be delayed beyond the maximum period of delay authorized for destruction of a designated historic property.

- (2) Enact and enforce ordinances to regulate the planting, maintenance, removal, replacement, grading, and preservation on public and private property of trees and other plants within the following areas:

- a. floodways and slopes greater than forty-five percent (45%) of adjacent floodways;

- b. reservoir watershed protection areas;

- c. resource management zoning districts, provided that no ordinance shall totally prohibit the removal of trees within these districts. However, the ordinance may provide that any trees removed in resource management zoning districts must be replaced by similar trees planted on the same tract or parcel of land.

- (3) Enact and enforce nuisance abatement ordinances to treat or remove diseased or unsafe trees and plants on public and private property.

Before adopting or amending any ordinance authorized by subdivisions (1) and (2) of this Section, the city council shall hold a public hearing on it. A notice of the public hearing shall be given so as to conform with G.S. 160A-364, as it may be amended from time to time.

Sec. 2. G.S. 40A-3(b)(3) is amended by inserting after the word "playgrounds" the following language: ", open spaces or open areas as listed in G.S. 160A-407".

Sec. 3. This act applies only to the Cities of Asheville and Raleigh.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1985.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

**SESSION LAW 2001-191
HOUSE BILL 910**

AN ACT AUTHORIZING THE CITY OF DURHAM AND THE TOWNS OF CARY,
GARNER, MORRISVILLE, KNIGHTDALE, FUQUAY-VARINA, AND
SPENCER TO LIMIT THE CLEAR-CUTTING OF TREES IN BUFFER ZONES
PRIOR TO DEVELOPMENT AND ALLOW FOR THE PROTECTION OF
SPECIMEN TREES DURING THE DEVELOPMENT PROCESS.

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 65 feet along roadways and property boundaries adjacent to developed properties and up to 32 feet along property boundaries adjacent to undeveloped properties. All such buffer zones shall be measured from the outside boundary of any property, including property zoned for residential and nonresidential use. The purpose of such ordinances shall be to protect existing trees and shrubs for use as future buffers.

SECTION 1.(b) Ordinances adopted pursuant to this act shall be limited to situations where undeveloped property is planned or zoned for residential or nonresidential use in accordance with adopted municipal plans and zoning regulations. Such ordinances shall include reasonable provisions for access onto and within the subject property.

SECTION 1.(c) Notwithstanding any limitations contained in Section 1(a), a municipality may adopt ordinances to regulate the preservation and removal of significant specimen or "champion" trees on sites being planned for new development. Specific standards for identifying and designating such trees, including species and size, shall be incorporated as part of any such ordinance.

SECTION 1.(d) Any ordinance adopted pursuant to this act shall 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 five years following harvest if all or substantially all of the perimeter buffer trees which should have been protected were removed from the tract of land for which the permit or plan approval is sought.

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 provisions of S.L. 2000-108 or any other existing laws or ordinances.

SECTION 4. This act shall apply only to the City of Durham and the Towns of Cary, Garner, Morrisville, Knightdale, Fuquay-Varina, and Spencer and to property located within the municipality's corporate limits and extraterritorial planning jurisdiction under Article 19 of Chapter 160A of the General Statutes.

SECTION 5. This act is effective when it becomes law.
In the General Assembly read three times and ratified this the 12th day of
June, 2001.

s/ Beverly E. Perdue
President of the Senate

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE BILL 330
State Government, Local Government, and Veterans' Affairs Committee
Substitute Adopted 3/27/03
Third Edition Engrossed 4/1/03

Short Title: Raleigh/Holly Springs/Rutherfordton Clear-Cutting. (Local)

Sponsors:

Referred to:

March 10, 2003

A BILL TO BE ENTITLED
AN ACT AUTHORIZING THE CITY OF RALEIGH AND THE TOWNS OF HOLLY
SPRINGS AND RUTHERFORDTON TO LIMIT THE CLEAR-CUTTING OF
TREES IN BUFFER ZONES PRIOR TO DEVELOPMENT AND AUTHORIZING
THE CITY OF RALEIGH AND THE TOWN OF RUTHERFORDTON TO
ALLOW FOR THE PROTECTION OF SPECIMEN TREES DURING THE
DEVELOPMENT PROCESS.

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.

- 1 (6) Include reasonable provisions for access onto and within the subject
2 property.
- 3 (7) Exclude normal forestry activities on property taxed under the
4 present-use value standard or conducted pursuant to a forestry
5 management plan prepared or approved by a forester registered
6 pursuant to Chapter 89B of the General Statutes. However, for such
7 properties, a municipality may deny a building permit or refuse to
8 approve a site or subdivision plan for a period of three years following
9 completion of the harvest if all or substantially all of the perimeter
10 buffer trees that should have been protected were removed from the
11 tract of land for which the permit or plan approval is sought. A
12 municipality may deny a permit or refuse to approve a site or
13 subdivision plan for a period of two years if the owner replants the
14 buffer area within 120 days of harvest with plant material that is
15 consistent with buffer areas required under the municipality's
16 ordinances.

17 **SECTION 2.** Before adopting an ordinance authorized by Section 1 of this
18 act, the governing board of the municipality shall hold a public hearing on the proposed
19 ordinance. Notice of the public hearing shall be given in accordance with G.S.
20 160A-364.

21 **SECTION 3.** Nothing in Sections 1 and 2 of this act shall be construed to
22 limit or be limited by any other existing laws or ordinances.

23 **SECTION 4.** Section 4 of S.L. 2001-191 reads as rewritten:

24 "SECTION 4. This act shall apply only to the ~~City of Durham~~ Cities of Durham and
25 Raleigh and the Towns of Rutherfordton, Cary, Garner, Morrisville, Knightdale,
26 Fuquay-Varina, and Spencer and to property located within the municipality's corporate
27 limits and extraterritorial planning jurisdiction under Article 19 of Chapter 160A of the
28 General Statutes."

29 **Section 5.** Sections 1 through 3 of this act shall apply only to the Town of
30 Holly Springs and to property located within the Town's corporate limits and
31 extraterritorial planning jurisdiction under Article 19 of Chapter 160A of the General
32 Statutes.

33 **SECTION 6.** This act becomes effective January 1, 2004.