

Sec. 21-2. Definitions.

Words and phrases used in this chapter that are not specifically defined in this section shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Caliper*- the diameter measurement of the trunk taken six (6) inches above ground level for trees up to and including four (4) inch caliper size. Measurement shall be taken twelve (12) inches above the ground level for larger trees.

*City*- the city engineer, the city arborist or the senior urban forestry specialist, or their designated agent.

*Commission*- the city Tree Advisory Commission.

*dbh- (diameter at breast height)*- the diameter of a tree four and one-half (4 ½) feet above the average ground level.

*Corridors* - are identified on the Centers and Corridors Map as part of the transportation action plan (adopted in 2006), or any adopted updates to this Map.

*Designated mixed-use centers* - are identified on the Centers and Corridors Map as part of the transportation action plan (adopted in 2006), or any adopted updates to this Map.

*Drip line*- a vertical line running through the outermost portions of the tree crown extending to the ground.

*Existing tree canopy*- tree canopy that has existed for at least two (2) years prior to development as evidenced by city or county aerial photographs, or a tree survey of trees one-inch caliper and larger.

*Heritage tree*- any tree that is listed in the North Carolina Big Trees List, the American Forest Association's Champion Tree list or any tree that would measure eighty (80) percent of the points of a tree on the North Carolina Big Trees List.

*Homeowner* - a tenant or owner of an existing single-family or duplex residence.

*Impervious cover*- buildings, structures and other paved, compacted gravel or compacted areas which by their dense nature do not allow the passage of sufficient oxygen and moisture to support and sustain healthy root growth.

*Internal planting area*- a planting area located on private property outside the public right-of-way.

*Invasive plant species*- plant species that spread rapidly with little or no assistance. For the purposes of this chapter the following plant species are considered invasive: Bushkiller-*Cayratia japonica*, Chinese wisteria-*Wisteria sinensis*, English ivy- *Hedera helix* Japanese wisteria-*Wisteria floribunda*, Japanese honeysuckle- *Lonicera japonica*, Kudzu-*Pueraria montana*.

*Land conservation group*- a nonprofit land trust or similar organization approved by the City that permanently protects land, water, trees and wildlife habitat to enhance quality of life in Charlotte and Mecklenburg County.

*Off-site mitigation*- requirement of the developer and the property owner to convey at no cost to the city an equal amount of land in Mecklenburg County with a mature tree canopy to Mecklenburg County or to a land conservation group pursuant to the Tree Ordinance Guidelines. The land shall be conveyed subject to either a permanent conservation easement or deed restrictions for the purpose of preserving tree canopy. The conveyance and its terms must be: (1) approved by the City; (2) be acceptable to either Mecklenburg County or a land conservation group; and (3) comply with the Tree Ordinance Guidelines.

*Paved area*- any ground surface covered with concrete, asphalt, stone, compacted gravel, brick, or other paving material.

*Payment in lieu* - contribution by the developer and the property owner to a City administered tree preservation fund a dollar amount equal to a percentage of the tax value of the land being developed at the time of the plan approval in accordance with Section 21-94 and the Tree Ordinance Guidelines. The tax value shall not exceed ninety (90) percent of the average tax value of land in the city limits of Charlotte and the ETJ, excluding the land within the boundaries of I-277 and in accordance with the Tree Ordinance Guidelines.

*Pedestrian scale lighting*- lighting that is specifically intended to illuminate the sidewalk, as opposed to vehicular travel ways, and shall not exceed fifteen (15) feet in height.

*Perimeter planting strip*- a planting strip that abuts a public street or transportation right-of-way.

*Person*- a public or private individual, corporation, company, firm, association, trust, estate, commission, board, public or private institution, utility cooperative, or other legal entity.

*Planting strip and planting area*- ground surface free of impervious cover and/or paved material which is reserved for landscaping purposes.

*Renovation- any construction activity to an existing structure which changes its square footage, changes its footprint, or modifies the exterior wall material excluding cosmetic maintenance and repairs.*

*Root protection zone- generally, eighteen (18) inches to twenty-four (24) inches deep and a distance from the trunk of a tree equal to one-half (1/2) its height or its drip line, whichever is greater.*

*Specimen tree- a tree or group of trees considered to be an important community asset due to its unique or noteworthy characteristics or values. A tree may be considered a specimen tree based on its size, age, rarity or special historical or ecological significance as determined by the City. Examples include large hardwoods (e.g., oaks, poplars, maples, etc.) and softwoods (e.g., pine species) in good or better condition with a dbh of twenty-four (24) inches or greater, and smaller understory trees (e.g., dogwoods, redbuds, sourwoods, persimmons, etc.) in good or better condition with a dbh of ten (10) inches or greater.*

*Streetscape plan- a plan that specifies planting strips, tree species, sidewalk locations, building setbacks and other design aspects for streets within the city. Such plans are effective following approval by the City Council.*

*Suburban commercial zones- all zoning districts other than single-family development and urban zones as defined in this section.*

*Topping- any pruning practices that result in more than one-third (1/3) of the foliage and limbs being removed. This includes pruning that leads to the disfigurement of the normal shape of the tree.*

*Transit station area – high density area within approximately one-half (1/2) mile of an existing or planned rapid transit station as designated by the City Planning department*

*Tree, large maturing- any tree the height of which is thirty-five (35) feet or greater at maturity.*

*Tree, large maturing shade- any tree the height of which is thirty-five (35) feet or greater at maturity and has a limb spread of thirty (30) feet or more at maturity.*

*Tree, small maturing- any tree the height of which is less than thirty-five (35) feet at maturity.*

*Tree evaluation formula- formula for determining the value of trees and shrubs as published by the International Society of Arboriculture.*

*Tree Ordinance Guidelines- instructions and specifications of tree planting and tree protection as published by the City and subject to amendment from time to time by the City.*

*Tree protection zone- a distance equal to the designated zoning district setback or forty (40) feet from the front property line, whichever is less, or from the side lot line on a corner lot. For urban zones, the tree protection zone shall be the same as the planting strip required for the associated zoning district or as designated in a streetscape plan. This definition does not apply to single-family development.*

*Tree save area - an area measured in square feet containing existing healthy tree canopy in a single-family subdivision or an area containing existing or mitigated off site healthy tree canopy in a commercial development. The area may include up to five (5) feet beyond the drip line of the tree.*

*Urban zones – zoning districts within the city as listed in the Tree Ordinance Guidelines and as may be amended from time to time by the City.*

*Wedges - are those areas shown on the Centers and Corridors Map as part of the transportation action plan (adopted in 2006), or any adopted updates to this Map.*