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ORDINANCE N	Ю.	 	

AN ORDINANCE AMENDING ORDINANCE NO. 911114-F TO MODIFY THE LAND USE PLAN, TO REZONE AND CHANGE THE ZONING MAP FROM PLANNED UNIT DEVELOPMENT (PUD) DISTRICT TO PLANNED UNIT DEVELOPMENT (PUD) DISTRICT FOR LAND, KNOWN AS THE CANYON RIDGE PLANNED UNIT DEVELOPMENT LOCATED AT 7300 F.M. 2222 ROAD, 6500 AND 6508 JESTER BOULEVARD.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Canyon Ridge planned unit development ("Canyon Ridge PUD") is comprised of approximately 142 acres of land located generally in the vicinity of F.M. 2222 Road and Jester Boulevard and more particularly described by metes and bounds in the Land Use Plan incorporated into Ordinance No. 911114-F.

PART 2. Canyon Ridge PUD was approved November 14, 1991, under Ordinance No. 911114-F (the "Original PUD Ordinance").

PART 3. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from planned unit development (PUD) district to planned unit development (PUD) district on the property described by metes and bounds in Ordinance No. 911114-F as approximately 142 acres of land that includes the following property described in Zoning Case No. C814-89-0006.03, as follows:

Lots 2, 3, and 4, Block A. Canyon Ridge Phase B Subdivision, a subdivision in the City of Austin, Travis County, according to the map or plat of record in Plat Book 93, Page 5, of the Plat Records of Travis County, Texas (the "Property"),

locally known as the property located at 7300 F.M. 2222 Road, and 6500 and 6508 Jester Boulevard, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A". For purposes of this ordinance the property now identified as Lots 2, 3, and 4, is the same property as Tracts 2, 3, and 4 in the Original PUD Ordinance.

PART 4. This ordinance, together with the attached Exhibits "A" and "B", shall constitute the land use plan for the Canyon Ridge PUD (the "PUD") created by this ordinance. The PUD shall conform to the limitations and conditions set forth in the ordinance and the Canyon Ridge planned unit development land use plan (the "PUD land use plan") on record at the Neighborhood Planning and Zoning Department in File No. C814-89-

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 0006.03. If this ordinance and the attached exhibits conflict, the ordinance applies. Except as otherwise specifically provided by this ordinance, all other rules, regulations and ordinances of the City in effect on the effective date of this ordinance apply to the PUD.

PART 5. The attached exhibits are incorporated into this ordinance in their entirety as though set forth fully in the text of this ordinance. The attached exhibits are as follows:

Exhibit A: Zoning map

Exhibit B: Amended Canyon Ridge PUD land use plan

PART 6. In accordance with Section 25-2-411(A) (*Planned Unit Development District Regulations*) of the City Code, the following regulations apply to the Property instead of otherwise applicable City Code regulations.

- A. Section 25-8-341 (Cut Requirements) is modified to allow a maximum cut of 18 feet. A cut area must be restored and stabilized in accordance with City rules and regulations.
- B. Section 25-8-342 (Fill Requirements) is modified to allow a maximum fill of 16 feet.
- C. Section 25-8-302 (A) (1) (Construction of a Building or Parking Area) of the Code is modified to allow construction on a slope that has a gradient of more than 25 percent.
- D. Section 25-8-302 (B) (1) (Construction of a Building or Parking Area) of the Code is modified to allow:
 - 1. 10 percent impervious cover; on a slope with a gradient of more than 15 percent and not more than 25 percent; and
 - 2. 2.0 percent impervious cover on a slope with a gradient of more than 25 percent and not more than 35 percent; and
 - 3. 1.0 percent impervious cover on a slope with a gradient of more than 35 percent.
- E. Section 25-8-423 (C) (Water Quality Transition Zone) is modified to allow construction of a water quality pond within the water quality transition zone.

- F. Section 25-8-425 (*Transfer of Development Intensity*) is modified to allow a transfer of development intensity from an adjoining parcel within the PUD to the Property in an amount not to exceed 2,9617 acres.
- G. A site plan may include an alternative landscaping plan that complies with Section 25-2-1001 (*Procedures*).

PART 7. The following regulations apply to the Property.

- A. A parking ratio of one space to each 275 square feet of development is permitted on the Property.
- B. A one-story parking structure with a 270 parking space capacity shall be constructed on Lot 2, Lot 3, or Lot 4.
- C. Part 5. II. Civic & Commercial Uses: The Permitted Use Chart is amended and restated to allow the following permitted uses for Tracts 2, 3, and 4:

Administrative and business offices
Art workshop
Indoor sports and recreation
Consumer convenience services
Financial services
General retail sales (convenience)
Off-site accessory parking
Pet services
Research services

Restaurant (general)

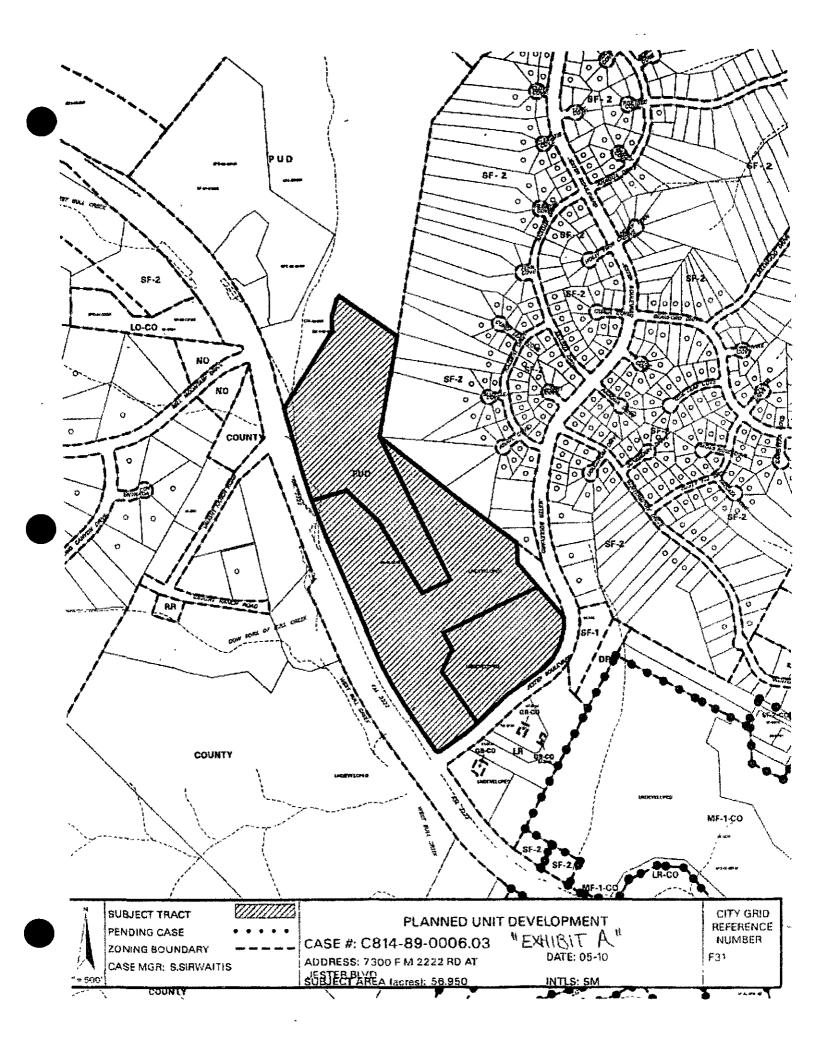
Art gallery
Business support services
Communication services
Consumer repair services
Food sales
General retail sales (general)
Personal improvement services
Professional office
Restaurant (limited)
Veterinary services

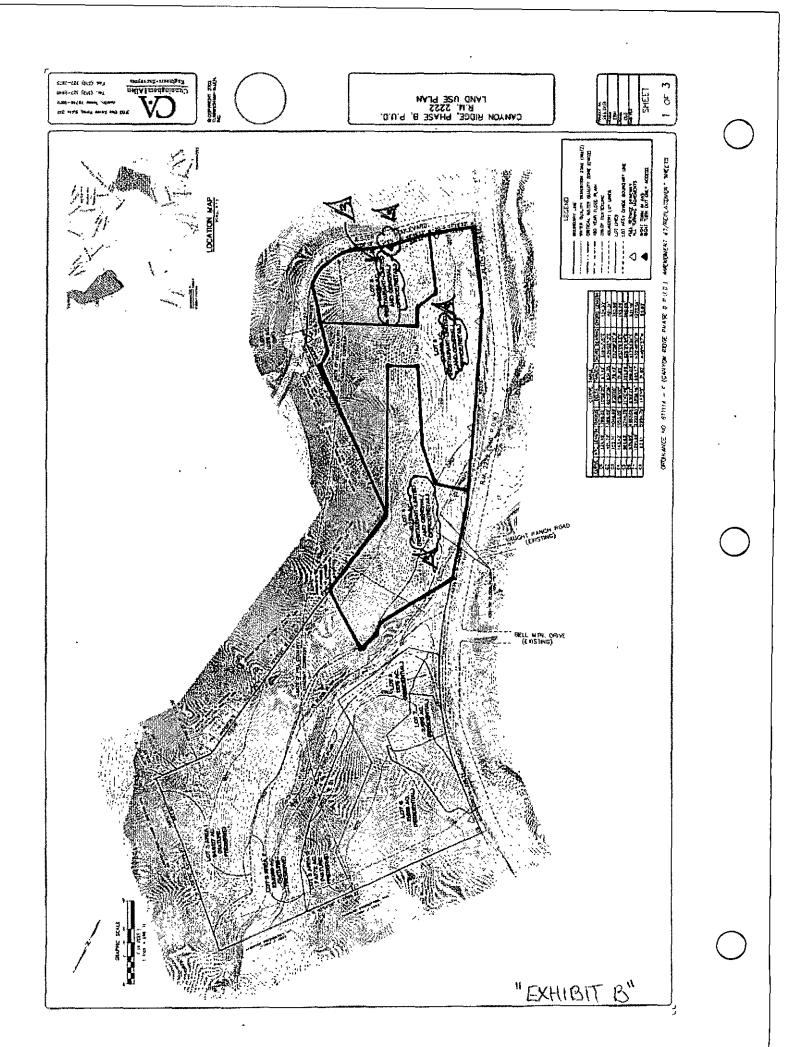
Medical offices (<5000 sq. ft. and >5000 sq. ft. of gross floor area)

- D. Except as provided in this Subsection J, drive-in service as an accessory use for a commercial use is permitted. Drive-in service for a restaurant (general or limited) use is not permitted.
- E. A drive through lane for a drive-in service use shall be screened from visibility from F.M 2222 Road.

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ı∭ F.	Part 6 (a) (iii) is deleted in its entire	ty and the followin	g is substituted in its place:	
2 3 4 5 6 7	Height. Except as provided in this a height of 28 feet above ground le height of 34 feet, or two stories, is height above 28 feet is measured front of a building or structure.	evel within the Ca permitted on Tra	nyon Ridge PUD. A maximu cts 2, 3, and 4, provided that	m a
8 9 G. 0	Part 6 (b) (ii) and Part 6 (c) (i) as square foot of gross floor area per bor building developed on the Proper	ouilding or structur	2 . •	
2 3 H .	Two driveway cuts are permitted fro	m the Property to	Jester Boulevard as follows:	
5 6	1. A full function driveway th movement; and	at allows right-in	right-out and left-in, left-o	ut
	2. A limited function driveway t	hat allows right-in	and right-out movement only.	
I.	A 100-foot wide vegetative buffer swith Hill Country Roadway require Section 2.7.0 of the Environmental Country Roadway requires	ments. Restoration	of this area shall comply with	th (
PAI ame	RT 8. In all other respects the termended, remain in effect.	s and conditions	of Ordinance No. 911114-F, a	ıs
PAI	RT 9. This ordinance takes effect on		, 2006	
PAS	SSED AND APPROVED			
	, 2006	§ § 8		
			Will Wynn Mayor	
API	PROVED:	ATTEST:		
	David Allan Smith City Attorney		Shirley A. Gentry City Clerk	- /
Draft: 7/	25/2006 Page	4 of 4	COA Law Department	(





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САЙТОМ RIDGE, PHASE B, P.U.D. R.M. 2222 LAND USE PLAN

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CHOPANCE ROUBLE - F (CUMPA COCK PARTS & PUB). MEMBERS, ASPRENCEMENT SALETS

Items# 121

Zoning Case No. C814-89-006.03

RESTRICTIVE COVENANT

OWNER:

FM 2222/Jester, L.P., a Texas limited partnership

ADDRESS:

11200 FM 2222, Austin, Texas 78730

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and

sufficiency of which is acknowledged.

PROPERTY:

Lots 2, 3, and 4, Block A, Canyon Ridge Phase B Subdivision, a subdivision in the City of Austin, Travis County, according to the map or plat of record in Plat Book 93, Page 5, of the Plat Records of Travis

County, Texas.

WHEREAS, the Owners of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owners of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owners of the Property, its heirs, successors, and assigns.

- At the time an application for approval of a site plan is submitted for development of the Property, or any portion of the Property, an Integrated Post Management (IPM) plan shall be submitted to the Watershed Protection and Development Review Department for review and approval. The IPM plan shall comply with the guidelines in Section 1.6.9.2 (D) and (F) of the Environmental Criteria Manual that are in effect on the date of this covenant.
- 2. At the time an application for approval of a site plan is submitted for development of the Property, or any portion of the Property, a landscape plan shall be submitted to the Watershed Protection and Development Review Department for review and approval. Ninety percent of the total plant material used, exclusive of turf, shall be native to Central Texas or on the Grow Green Native and Adapted Landscape Plants list, attached as Exhibit "A". Plants on the Invasive Species/Problem Plants list, attached as Exhibit "B", may not be included.
- 3. All required shade trees shall be a minimum 4-foot caliper.
- 4. For a 5-foot wide sidewalk six inch caliper trees shall be planted every 30 feet on center and lighting will be provided at intervals of 50 feet.

- 5. The owner shall provide a rainwater collection and irrigation system from rooftop areas for irrigation of managed landscaped areas. The rainwater collection system shall provide an overall volume of 500 gallons of storage for each 1,000 sq. ft. of rooftop. The rainwater collection system shall be maintained at least once a year to remove organic debris and to ensure that the system is functioning as designed.
- 6. A minimum of 40 percent of the material for internal sidewalk construction shall be pervious pavers.
- 7. Design elements to be included within the development project shall include, stone veneer, colored concrete, and raised flowerbeds.
- 8. The wall of a water quality pond shall be constructed using a design element or feature that reduces the visual impact of the height of the wall as viewed from FM 2222.
- 9. Screening shall exceed by 50 percent the screening requirements for the Hill Country Roadway corridor as set forth in the City Code.
- 10. Unless exempted below, the site shall be divided into blocks no longer than 660 feet by 330 feet from curb to curb. The maximum block length applies both to blocks containing buildings and blocks containing surface parking. This standard shall not require the block front adjacent to a Hill Country Roadway to be divided in a manner inconsistent with state highway access spacing requirements.
- 11. An individual knowledgeable in erosion controls and tree protection to conduct daily inspections of the site during site development shall be required on site (the "Environmental Reviewer"). The Environmental Reviewer shall be chosen by the Owner in its sole discretion. This person will be responsible for maintaining a daily log to be kept on site and accessible to the City environmental inspector.
- 12. A fast food restaurant is not permitted on the Property. For purposes of this covenant fast food restaurant means a restaurant that does not offer table service and typically has drive-in or drive-through window service. Table service means that wait staff takes orders at the dining tables and delivers those orders to patrons at the tables, the establishment maintains a full service kitchen, and food is presented to patrons in non-disposable containers.
- 13. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.

- 14. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
- 15. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
- 16. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the	day of, 200
	OWNERS:
	Fm 2222/Jester, L.P., a Texas limited partnership
,	By: Pecan Center, Inc., a Texas corporation, its general partner
	By: Louis R. Williams,
	Title:

APPROVED AS TO FORM:

Assistant City Attorney

City of Austin

THE STATE OF TEXAS § COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the ____ day of ______ 2006 by Louis R. Williams, _____ of Pecan Center, Inc., a Texas general partner of FM 2222/Jester, L.P., a Texas limited partnership, on behalf of th and the limited partnership.

Notary Public, State of Texas

After Recording, Please Return to: City of Austin Department of Law P. O. Box 1088 Austin, Texas 78767 Attention: Diana Minter, Paralegal

EXHIBIT A Grow Green Native and Adapted Landscape Plants

Trees

Ash, Texas Fraxinus texensis
Arizona Cypress Cupressus arizonica
Big Tooth Maple Acer grandidentatum
Cypress, Bald Taxodium distichum
Cypress, Montezuma Taxodium
mucronatum
Elm, Cedar Ulmus crassifolia
Elm, Lacebark Ulmus parvifolia
Honey Mesquite Prosopis glandulosa
Oak, Bur Quercus macrocarpa
Oak, Chinquapin Quercus muhlenbergii
Oak, Southern Live Quercus virginiana

Oak, Escarpment Live Quercus fusilformis
Oak, Lacey Quercus glaucoides
Oak, Monterey (Mexican White)
Quercus polymorpha
Oak, Shumard Quercus shumardii
Oak, Texas Red Quercus texana
(Quercus buckleyi)
Pecan Carya illinoinensis
Soapberry Sapindus drummondii

Small Trees/Large Shrubs

Anacacho Orchit Tree Bauhinia congesta Buckeye, Mexican Ungnadia speciosa Buckeye, Rec Aesculus pavia Caolina Buckthorn Rhamnus caroliniana Cherry Laurel Prunus caroliniana Crape Myrtle Lagerstroemia indica Desert Willow Chilopsis linearis Dogwood, Roughleaf Cornus drummondii Escarpment Black Cherry Prunus serotina var. eximia Eve's Necklace Sophora affinis Goldenball Leadtree Leucaena retusa Holly, Possumhaw Ilex decidua Holly, Yaupon Ilex vomitoria Mountain Laurel, Texas Sophora secundiflora

Persimmon, Texas Diospyros texana Pistachio, Texas Pistacia texana Plum, Mexican Prunus mexicana Pomegranate Punica granatum Redbud, Mexican Cercis canadensis 'mexicana' Redbud, Texas Cercis canadensis var. 'texensis' Retama Jerusalem Thorn Parkinsonia aculeata Senna, Flowering Cassia corymbosa Smoke Tree, American Cotinus obovatus Sumac, Flameleaf Rhus lanceolata Viburnum, Rusty Blackhaw Viburnum rufidulum Viburnum, Sandankwa Viburnum suspensum

American Beautyberry Callicarpa americana Artemisia Artemisia 'Powis Castle' Barbados Cherry Malpighia glabra Barberry, Japanese Berberis thunbergii 'Atropurpurea' Basket Grass (Sacahuista) Nolina texana Black Dalea Dalea frutescens Bush Germander Teucrium fruticans Butterfly Bush Buddleja davidii Butterfly Bush, Wooly Buddleja marrubiifolia Coralberry Symphoricarpos orbiculatus Cotoneaster Cotoneaster sp. Eleagnus Eleagnus pungens Esperanza/Yellow Bells Tecoma stans Flame Acanthus Anisacanthus quadrifidus var. wrightii Fragrant Mimosa Mimosa borealis Holly, Burford Ilex cornuta 'Burfordii' Holly, Dwarf Chinese Ilex cornuta 'Rotunda nana' Holly, Dwarf Yaupon Ilex vomitoria 'Nana' Jasmine, Primrose Jasminum mesnyi Kidneywood Eysenhardtia texana Lantana, Native Lantana horrida Mistflower, Blue (Blue Boncset) Eupatorium coelestinum

Mistflower, White (Shrubby White

Mock Orange Philadelphus coronarius

Boneset) Ageratina havanense

Palmetto Sabal minor Prickly Pear Opuntia engelmannii var. lindheimeri Rose, Belinda's Dream Rosa 'Belinda's Dream' Rose, Lamame Rosa 'Lamarne' Rose, Livin' Easy Rosa 'Livin' Easy' Rose, Marie Pavie Rosa 'Marie Pavie' Rose, Martha Gonzales Rosa 'Martha Gonzales' Rose, Mutabilis Rosa 'Mutabilis' Rose, Nearly Wild Rosa 'Nearly Wild' Rose, Old Blush Rosa 'Old Blush' Rose, Perle d'or Rosa 'Perle d'or' Rock Rose Pavonia lasiopetala Rosemary Rosmarinus officinalis Sage, Mountain Salvia regla Sage, Texas (Cenizo) Leucophyllum frutescens Senna, Lindheimer Cassia lindheimeriana Southern Wax Myrtle Myrica cerifera Sumac, Evergreen Rhus virens Sumac, Fragrant (Aromatic) Rhus aromatica Texas Sotol Dasylirion texanum Turk's Cap Malvaviscus arboreus Yucca, Paleleaf Yucca pallida Yucca, Red Hesperaloe parviflora Yucca, softleaf Yucca recurvifolia Yucca, Twistleaf Yucca rupicola

Bush Morning Glory Ipomoea fistulosa Butterfly Weed Asclepias tuberosa Buterfly Weed 'Mexican' Asclepias curassivica

Cast Iron Plant Aspidistra elatior
Chile Pequin Capsicum annuum
Cigar Plant Cuphea micropetala
Columbine, Red Aquilegia canadensis
Columbine, Yellow Aquilegia
chrysantha 'Texas Gold'
Coreopsis Coreopsis lanceolata
Daisy, Blackfoot Melampodium
leucanthum

Daisy, Copper Canyon Tagetes lemmonii Damiantia Crysactina mexicana Fall Aster Aster oblongifolius Fern, River Thelypteris kunthii Firebush Hamelia patens Gaura Gaura lindeheimeri Gayfeather Liatris mucronata Gregg Dalea Dalea greggii Hibiscus, Perennial Hibiscus moscheutos, Hibiscus coccineus Honeysuckle, Mexican Justicia spicigera Hymenoxys (Four Nerve Daisy)

Indigo Spires Salvia 'Indigo Spires'
Iris, Bearded Iris albicans
Iris, Butterfly/Bicolor (African) Dietes
sp.

Lamb's Ear Stachys byzantina Lantana Lantana x hybrida (many varieties)

Tetraneuris scaposa

Obedient Plant, Fall Physostegia virginiana
Oregano, Mexican Poliomintha longiflora

Penstemon Penstemon sp.
Phlox, Fragrant Phlox pilosa
Pink Skullcap Scutellaria suffrutescens
Plumbago Plumbago auriculata

Poinciana, Red Bird of Paradise, Pride of Barbados

Caesalpinia pulcherrima Primrose, Missouri Oenothera mucrocarpa

Purple Coneflower Echinacea purpurea Ruellia Ruellia brittoniana Sage, Cedar Salvia roemeriana Sage, Jerusalem Phlomis fruticosa Sage, Majestic Salvia guaranitica Sage, Mealy Blue Salvia farinacea Sage, Mexican Bush Salvia leucantha Sage, Penstemon, Big Red Sage Salvia penstemonoides

Sage, Russian Perovaskia atriciplifolia Sage, Scarlet or 'Tropical' Salvia coccinea

Salvia, Gregg (Cherry Sage) Salvia greggii

Shrimp Plant Justicia brandegeana
Texas Betony Stachys coccinea
Verbena, Prairie Verbena bipinnatifida
Yarrow Achillea millefolium
Zexmenia Wedelia texana

Ornamental Grasses

Bluestem, Big Andropogon gerardii
Bluestem, Bushy Andropogon
glomeratus
Bluestem, Little Schizachyrium
scoparium
Fountain Grass, Dwarf Pennisetum
alopecuroides
Indian Grass Sorghasturm nutans
Inland Sea Oats Chasmanthium
latifolium

Mexican Feathergrass (Wiregrass) Stipa tenuissima
Muhly, Bamboo Muhlenbergia dumosa Muhly, Big Muhlenbergia lindheimeri
Muhly, Deer Muhlenbergia rigens
Muhly, Gulf Muhlenbergia capillaris
Muhly, Seep Muhlenbergia reverchonii
Sideoats Grama Bouteloua curtipendula
Wild Rye Elymus canadensis

Vines

Asian Jasmine Trachelospermum asiaticum
Carolina Jessamine Gelsemium sempervirens
Coral Vine Antigonon leptopus
Crossvine Bignonia capreolata
Fig Vine Ficus pumila

Honeysuckle, Coral Lonicera sempervirens Lady Banksia Rose Rosa banksiae Passion Vine Passiflora incarnata Trumpet Vine Campsis radicans Virginia Creeper Parthenocissus quinquefolia

Groundcover

Aztec Grass Ophiopogon japonicus
Frogfruit Phyla incisa
Horscherb Calyptocarpus vialis
Leadwort Plumbago Ceratostigma
plumbaginoides
Liriope Liriope muscari
Monkey Grass (Mondo Grass)
Ophiopogon japonicus
Oregano Origanum vulgare
Periwinkle, Littleleaf Vinca minor
Pigeonberry Rivina humilis

Purple Heart Secreasea pallida
Santolina (Lavender Cotton) Santolina
chamaecyparissus
Sedge, Berkeley Carex tumulicola
Sedge, Meadow Carex perdentata
Sedge, Texas Carex texensis
Sedum (Stonedrop) Sedum nuttallianum
Silver Ponyfoot Dichondra argentea
Wooly Stemodia Stemodia lanata
(Stemodia tomentosa)

Turf Grasses

Bermuda 'Tif 419', 'Sahara', 'Baby', 'Common' Buffalo '609', 'Stampede', 'Prairie' St. Augustine 'Baby', 'Common', 'Raleigh', 'Delmar' Zoysia, Fine Leaf 'Matrella', 'Emerald', 'Zorro' Zoysia, Coarse Leaf 'Japonica', 'Jamur', 'El Toro', 'Palis

EXHIBIT B

Invasive Species/Problem Plants

PLANTS TO AVOID

INVASIVES

(Plants that are non-native to the Central Texas ecosystem and tend to out-compete native species)

Do Not Plant

(Travel by seeds, berries, and spores so can be transported long distances. They have already invaded preserves and greenbelts):

- Arizona Ash
- Chinaberry
- Chinese Pistache
- Chinese Tallow
- Chinese Privet
- Elephant Ear
- Holly Fern
- Japanese Honeysuckle
- Ligustrum, Wax Leaf
- Mimosa
- Mulberry, Paper
- Nandina (large, berrying varieties)
- Photinia, Chinese
- Pyracantha
- Tamarisk
- Tree of Heaven

Do Not Plant Near Parks/Preserves/Greenbelts

(travel by runners, rhizomes, and stems so only invade neighboring areas):

- Bamboo
- English Ivy
- Vinca (Periwinkle)

PROBLEM TREES AND SHRUB

(Typically fast-growing, highly adaptable, but often have weak wood and are short-lived. Most a susceptible to insect and disease problems.)

- Arizona Ash
- Azalea (not adapted to Aus soils)
- Boxelder
- Camellia
- Chinaberry
- Chinese Privet
- Chinese Tallow
- Cottonwood
- Liqustrum
- Lombardy Poplar
- Mimosa
- · Mulberry, Paper
- Photinia, Chinese
- Siberian Elm
- Silver Maple
- Sweetgum
- Sycamore
- Tree of Heaven