# ST. TAMMANY PARISH COUNCIL

ORD	INANCE
ORDINANCE CALENDAR NO: <u>5692</u>	ORDINANCE COUNCIL SERIES NO:
COUNCIL SPONSOR: <u>DEAN/BRISTER</u>	PROVIDED BY: PLANNING DEVELOPMENT
INTRODUCED BY: MR. SMITH	SECONDED BY: MR. CANULETTE
ON THE $\underline{6}$ DAY OF OCTOBER, $\underline{,2016}$	
OF ST. TAMMANY PARISH, I PARCEL LOCATED ON THE 190, WEST OF LA HIGHWAY COMPRISES A TOTAL OF S OR LESS, FROM ITS PRESI TO AN A-3 (SUBURBAN	G THE OFFICIAL ZONING MAP LA, TO RECLASSIFY A CERTAIN SOUTH SIDE OF US HIGHWAY Y 1077 AND WHICH PROPERTY B2.759 ACRES OF LAND MORE ENT A-1(SUBURBAN DISTRICT) DISTRICT) & PUD (PLANNED RLAY), (WARD 1, DISTRICT 3).
law, <u>Case No. 2016-357-ZC</u> , has recommended to that the zoning classification of the above referen	arish of St. Tammany after hearing in accordance with the Council of the Parish of St. Tammany, Louisiana, need area be changed from its present A-1 (Suburban anned Unit Development Overlay) see Exhibit "A" for
WHEREAS, the St. Tammany Parish Counci	il has held its public hearing in accordance with law;
·	I has found it necessary for the purpose of protecting signate the above described property as A-3 (Suburban rlay).
THE PARISH OF ST. TAMMANY HEREBY	ORDAINS, in regular session convened that:
<u> </u>	e above described property is hereby changed from burban District) & PUD (Planned Unit Development
SECTION II: The official zoning map of the F to incorporate the zoning reclassification specified	Parish of St. Tammany shall be and is hereby amended in Section I hereof.
REPEAL: All ordinances or parts of Ordinance	es in conflict herewith are hereby repealed.
· · · · · · · · · · · · · · · · · · ·	linance shall be held to be invalid, such invalidity shall wen effect without the invalid provision and to this end red to be severable.
EFFECTIVE DATE: This Ordinance shall bed	come effective fifteen (15) days after adoption.
MOVED FOR ADOPTION BY:	SECONDED BY:
WHEREUPON THIS ORDINANCE WAS SU	JBMITTED TO A VOTE AND RESULTED IN THE

YEAS: \_\_\_\_\_

NAYS:
ABSTAIN:
ABSENT:
THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE 3 DAY OF NOVEMBER , 2016 ; AND BECOMES ORDINANCE COUNCIL SERIES NO
MARTY DEAN, COUNCIL CHAIRMAN
ATTEST:
THERESA L. FORD, COUNCIL CLERK
PATRICIA P. BRISTER, PARISH PRESIDENT
Published Introduction: <u>SEPTEMBER 29</u> , <u>2016</u>
Published Adoption:, 2016
Delivered to Parish President:, 2016 at
Returned to Council Clerk:, <u>2016</u> at

### 2016-357 -ZC

A CERTAIN TRACT OR PARCEL OF LAND SITUATED IN SECTION 29, T 6 S-R 10 E, GREENSBURG LAND DISTRICT, ST. TAMMANY PARISH, LOUISIANA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 29, T 6 S-R 10 E AND BEING THE POINT OF BEGINNING:

THENCE South 00 degrees 25 minutes 47 seconds East for a distance of 1420.00 feet to point and corner;

THENCE North 89 degrees 44 minutes 20 seconds West for a distance of 2540.04 feet to point and corner;

THENCE North 00 degrees 25 minutes 47 seconds West for a distance of 1414.09 feet to point and corner;

THENCE North 89 degrees 38 minutes 13 seconds East for a distance of 542.75 feet to point and corner;

THENCE South 89 degrees 44 minutes 20 seconds East for a distance of 1997.25 feet back to the Point of Beginning.

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 82.759 Acres more or less.

Case No.: 2016-357-ZC

**PETITIONER:** Toby Easterly **OWNER:** The Marietta Trust

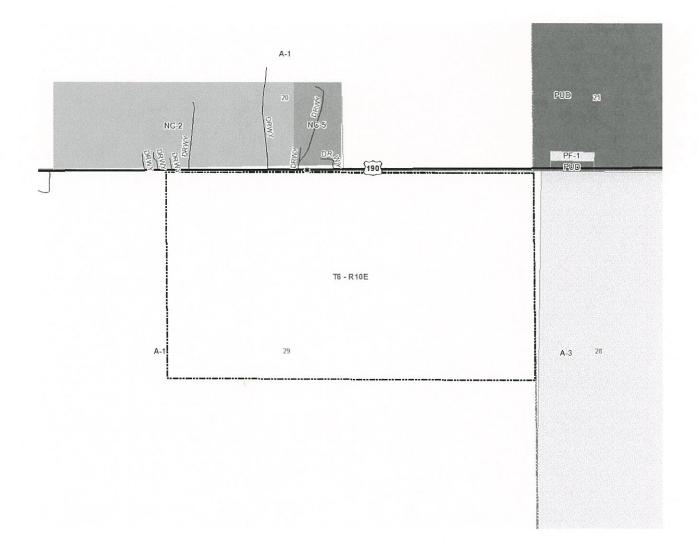
REQUESTED CHANGE: From A-1 Suburban District to A-3 Suburban District & PUD Planned Unit

Development Overlay

LOCATION: Parcel located on the south side of US Highway 190, west of LA Highway 1077; S29, T6S, R10E;

Ward 1, District 3

**SIZE:** 82.759 acres



13) W ADDROK TO THE FURICIONIO BINNAM RESTRETIVE, CONDIANT, THE GONDLOPIES HAVE ORELITED BY SEPARATE, ACT RECORDED IN ADDROVAL RETINENDELLE TO THE TOTAL STATEMENT RESTRICTED FOR CONDIANTS AND AREA TO THE PROSTRETING ESTAL OF REPORTED FOR CONDICIONAL PROPERTY. BEING SERVINGEL. THE FORESTREET BEING SERVINGEL. PROFESSIONAL REAL THE CONTINUENT REALISM SERVINGER, SALL BE LOCK THERETO IN CASH THE CONTINUENT PROPERTY. 3.) De CERTANTE DE COCAMINE DE MEIL I REGISE DESCRIPCE DE CERTAGE DE MINI DE STORTE DE CONTROLLE DE CONTRO 6, THE MEMORY BENTHON FOR THE LOWEST FLOOR OF ALL RESOURCES SHALL BE OFFERWING FROM THE LATEST REMAIN FROM THE TOOR ON SHARHER FROM IN PRINTED THE TENTHOR FOR THE LOWEST FLOOR OF ALL RESIGNEES SHALL BE AT MEMORY I' ABOVE THE ORION OF THE FOLD IN PRINTED THE JOIN. Engineering and Land Surreying S, NO NOMOUS ON OFFERSINE ACTIVITY SMALL BE CARRED ON UPON ANY LOT, NOR SMALL ANTHRIG BE DOVE THERE ON WHICH MA BECOME AN AMOUNTAIC OR NUSSANCE TO THE HERMSCHOOD, PARTICILATELY THE USE OF LOTS AS DUAPS OR AUHIL CAR STORAGE. 7.) THIS SUBDIVISION IS IN FARM, COMMINITY PANEL 222205 DIBS F. AND IS CLASSIFED AS BEING IN FLOOD ZONE 'X" A "AE". McLin Taylor, 12) DRNEWNYS, ON CORNER LOTS SHALL NOT BE LOCATED ANY CLOSER THAN SKYY (80') FEET FROM THE INTERSECTION OF RIGHT-OF-WAYS, OR A WANDER MUST BE REQUESTED. BASE PREPARATION AND PANNA NOTES:

1, ALL WORL AND MATERIA, TO BE IN COMMANDER TO SHAPE SANDAR TYPICAL ASPHALTIC ROADWAY/ENTRANCE SECTION GRUB REWANNE BASE MATERIAL TO A DEPTH OF 12" BEFORE TREATHS WITH COULD NO. OF LOTS SEWER SYSTEM PROPOSED ZOWING TYPICAL CUL-DE-SAC SPEN SPACE AREA ENSTRACTOR SOL IN PROPOSED ROAD BED TO BE ENCADATED AND ACLUMENT TO FRAME GRADE. LUTAKE PONTCHARTRAIN 1500' TAMMANY UTLINES (OFF-SITE)

LUTAKE PONTCHARTRAIN

MAX BLOCK LENGTH HATER AND SEWER CONNECTION CONCEPTUAL P.U.D. PLAN (A RESIDENTIAL DEVELOPMENT) PRESTON VINEYARD LOCATED IN SECTION 29, T6S-R10E GREENSBURG LAND DISTRICT ST. TAMMANY PARISH, LOUISIANA (Q.) THE HOMEOMETRS ASSOCIATION WILL BE RESPONDEDLE FOR MANTAWAND THE FOLLOWIND Y.

A) DREEN SPACE EXELS, DETERMINEN PRINCE INSUE CHECKSHAPE CARENAL SENTINGES MODIFIED THE ASSTRAINE (\*) SHALL CHECKSHAPE ASSTRAINE (\*) DRAINING FOUNDES REPORTED WHITH AN ASTROBAK (\*) 6200 ± LN FT (CA) STREET LENGTH WATER SYSTEM RESTRICTIVE COVENANTS
NUMBERED LOT SHALL NOT HAVE MORE THAN ONE (1) SHALL - FAMILY DW 11.) THE FRONT OF EACH LOT SHALL BE SUBJECT TO A 10" UTILITY EASEMENT -0 (O WING WALL) E.) NO MORLE HOMES WILL BE PERMITTED IN THIS SUBDIVISION. LEGEND: FOR ASHALT PANNS

2. THICK (MR) ASHALT PANDON (2" TIPE OF H"-1 INCLUDED COURSE, 2" THE AS " SHOER COURSE) WARES SEE FAMILY. (9 TVP. D 12" (JANY) ENISTING BASE, STABLIZED WITH 10% (BY VOLUME) TYPE I PORTLAND CRAINT, AND COMPACTED TO 91% OF ITS STANDARD PROCTOR DENSITY. (22" WOE) No. 4" PARK, SHOLDER BEAUTIL, MITTELL, COMPACTED

10 PAR OF THE TANDAMO PROCEDE EXCHET

E. H. CLOUGHANG, WHIT HE, APPLICABLE, ESCIENCE OF THE

CLOUGHAND OFFINATION TO TRANSPORTATION STANDAMO

REPORTATIONS THE ROLDS AND PROCESS, AND LATERST

REVARDAME THERETO. 20° STREET WDTH ASPHALT ROAD SURFACE TYPICAL WALKING TRAIL SECTION A.) DONETHUCTION OF ANY NATURE, OR ETREET RIGHTS-OF-WAY. 82.759 ACRES A CERTAIN TRACT OR PARCEL OF LAND SITUATED IN SECTION 29 TE S-18 10 E. ST. TAMMANY PAREN, LOJISTANA AND BEING MORE. PARTICLARLY DESCRIBED AS FOLLOWS: Commencing at the Northeast Corner of Section 29, T 6 S-R 10 E and being the POINT OF BEGINNING; LEGAL DESCRIPTION ACTEA REQUIREMENT SHORTS
FOR ACTEA REQUIREMENT SHORTS
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FOR FOR SHOTT Together with and restrictions of record. SECRETARY, PARISH PLANNING COMMISSION 109 FILE NO. 105 CHAIRMAN, PARISH PLANNING COMMISSION 108 DATE: AUGUST 26, 2016 8018 2103 102 104 DK" (00, 8/M) FOREST DIRECTOR OF ENGINEERING The part of the pa 2 26 8 18 DATE FILED FOREST CREEK DR. (8. 18. 18. SO ON THE STATE OF DEDICATION:
BET IT RESOURCE OF THE LAND AS SHOWN HEREON
THE LAND AS SHOWN HEREON
THE AND TO SE A THUE AND ACCURATE PLAT OF. ALL STREET RICHTS-OF-WAYS AS SHOWN HERGEN ARE HERSEN VEDICATED TO THE PREPITULAL USE OF THE PUBLIC OKEN HERR PROPERE NEW-OSES, LESEMENTS SHALL BE RESERVED FOR DAWARDS AND UTLATES AS INCIDATED REFEREN AND WE PROPERTION TOWN ON MARROWARDS THE MEST ALLOWED THAT WOULD PREVENT THEM FROM EDICH USED FOR THEIR INTENDED PURPOSE. SEWAGE DISPOSAL:
SEWAGE DISPOSAL:
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CONNECTION TO AN APPRODED SANTANY SERRE SYSTEM, UNIT, THE
THE STATE BOARD OF HEALTH.
THE STATE BOARD OF HEALTH. DATE PRESTON VINEYARD
(A RESIDENTIAL DEVELOPMENT) (SEE CENERAL NOTE NO. 7) AU Y DR FIRST HORIZON, INC. 1244 S. RANGE AVE. DENHAM SPRINGS, LA 70726 (225) 791-6680 VB9°44'20"W 2540.04 CLOVER KNOLL DR. 36 37 38 39 DE A 691,12 ACRE TRACI U.S. HIGHWAY 190 FLOOD ZONE "AE" (SCALED FROM F.I.R.M.) IMPACTED WETLANDS (TO BE MITIGATED) REFERENCE
SURVEY MAP OF A 691.12 AGE
LOCATED N. SECTIONS 29 & 32, 165-RIG...
BY ROBERT G. BARRILEAUX, P.L.S., DATED 8-20-1884 TRAFFIC NOTES

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COMPANY CANNOT BE PERFORMED WITH THE MAIN HOOFE

2. A DOTO DONEWAY FEBRUT STACKHOOPE WITH STATE. BASE BEARING. "589"44"20"E (PER REFERENCE NO. 1) FLOOD ZONE: "2" 4" 24E" BASE FLOOD ELEMITON: 34-36 F.E.M.A. F.IR.M. PANEL NO. 22220G 0165 F.PREJAL) DATE:04/20/2009 UNDISTURBED WETLANDS THIS COCUMENT IS NOT TO BE USED FOR CONSTRUCTION, BLOOMS, AS THE RASHS FOR THE ISSUANCE OF A PITUAL LEGEND 4 2 3 2 2 3 2 2 3 2 2 3 CAST CONT. BAS TRANSCAME BIN TRANSCAME BIN CRECKED BIN LOND DELENLION MOTE:

WINDER

WAS REPRESENTED A PRELIABILIARY CONCEPTUAL PLAN ONLY, AND 15 NOT

WITTERGOD. ON PREPRESENT A ACTUAL SUBMISSION OF LAND AS SERVINGD BY

CONCEAUR REVISED STATUTES 13:8005 FT. 95C., DIMENSIONS AS SHOWN

ARE SOLVED, AND A PREPROMINATE ONLY, AND ARE SUBJECT TO CHANGE.

SERVINGE LOCATINGS AND SIZES SHOWN ON THIS PLAN ARE SUBJECT TO

CHANGE AS RECESSARY IN OPPER TO ACCOMMODATE UTILITY COMPANIES AND

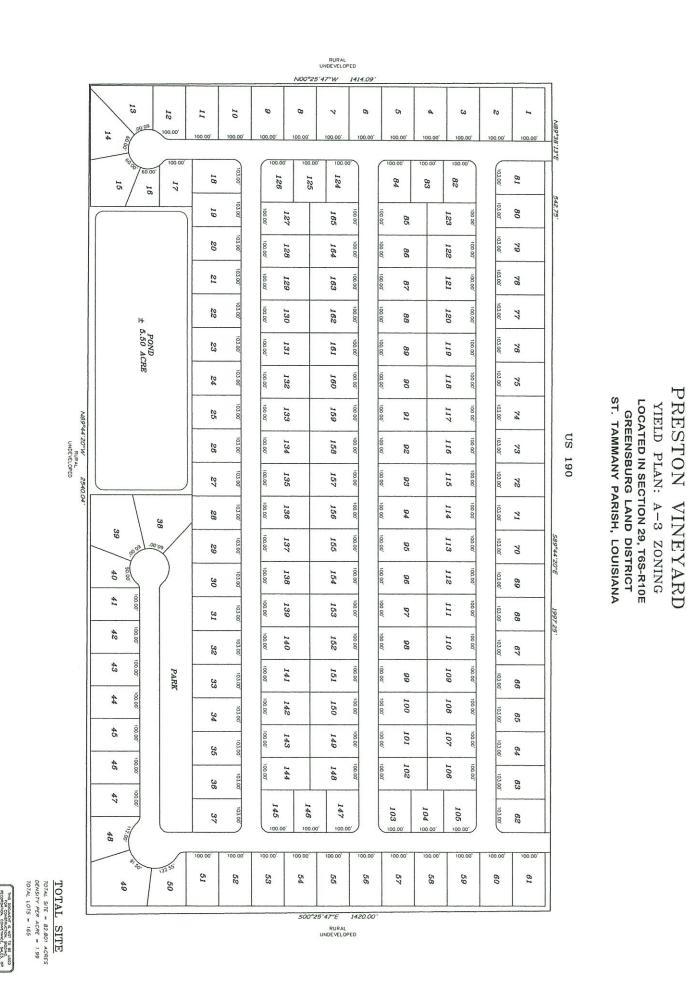
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SECTION 20 SECTION 29

1016-357

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2016-357-20



Q

McLin Taylor, Inc.



PRESTON VINEYARD
LOCATED IN SECTION 29, T6S-R10E
GREENSBURG LAND DISTRICT
LIVINGSTON PARISH, LA

PRESTON VINEYARD

YIELD PLAN

DIRECTOR W.T.

DATE 7-14-15

7016-357-ZC THIS IS TO CERTIFY THAT THIS MAP IS MADE IN ACCORDANCE WITH LOUISLANA REVISED STATUTES 33:5051 AND CONFORMS TO ALL PARISH ORDINANCES GOVERNING THE SUBDIMISION OF LAND. THIS MAP IS MADE IN ACCORDANCE WITH THE STANDARDS OF PRACTICE FOR BOUNDARY SURVEYS FOR CLASS "C" SURVEYS AND IT WAS THE INTENT TO SUBDIVIDE THE TRACT INTO THE PLATTED SUBDIVISION. THIS CERTIFICATION IS SPECIFICALLY RESTRICTED TO THE CLENT FOR THE REQUIRED SUBDIVISION OF PROPERTY ONLY, AND DOES NOT EXTEND TO THIRD PARTIES UNLESS THE PLAT IS PROPERLY REVISED BY THE CERTIFIER TO REFLECT SAME. DRAWN BY: ED I
CREW CHIEF: BAS
TECHNICIAN: BJM
CHECKED BY:
CHECKED BY: BRETT J. MARTIN
PROFESSIONAL LAND SURVEYOR
LICENSE # 5135
MCLIN TAYLOR, INC. CERTIFICATION: PRELIMINARY SECTION 20 7/15/16 DATE Ma24.92.00N ,60'4141 THIS DOCUMENT IS NOT TO BE USED FOR CONSTRUCTION, BIDDING, RECORDATION, CONVEYWORE, SALES, OR AS THE BASIS FOR THE ISSUANCE OF A PERMIT 3"E1,88°68N 542.75 BRETT J. MARTIN PLS LIC. NO U.S. HIGHWAY 190 REMAINING PORTION OF
A 691.12 ACRE TRACT
± 608.36 REMAINING ACRES 82.759 ACRES N89°44'20"W ± 589°44'20°E 1997.25 MAP SHOWING SURVEY & REMOVAL LOCATED IN SECTION 29, T6S-R10E GREENSBURG LAND DISTRICT ST. TAMMANY PARISH, LOUISIANA FOR 82.759 691.12 ACRE TRACT FIRST HORIZON, INC. ACRE TRACT FROM A SECTION 20 1450.00 P.O.B. 3,,∠+,⊊2,000 LIVINGSTON, LA. 70754 (225)686-1444 Engineering and Land Surveying McLin Taylor, Inc.

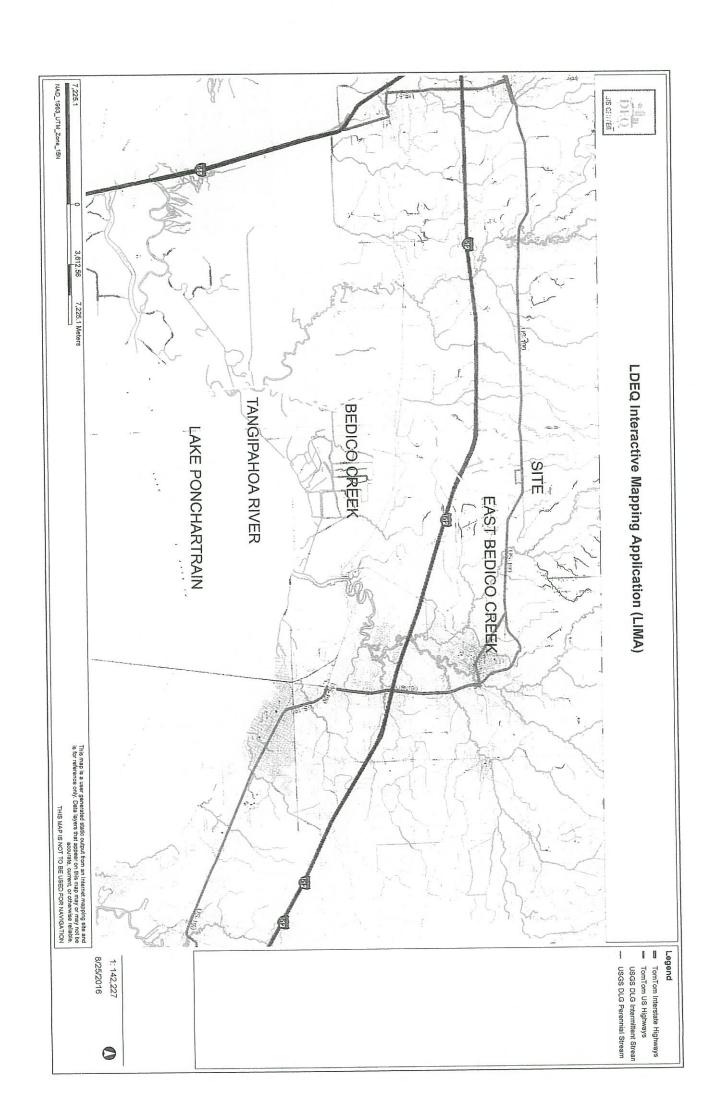
2016-357-20

# ENVIRONMENTAL ASSESSMENT DATA FORM

Applicant's Name:	FIRST HORIZON	, INC.	A CONTRACTOR OF THE PROPERTY O	
			ZINGS LA	70726
Developer a Address.	Street	AUE, DENHAM SPO	State	Zip Code
Developer's Phone No.	(Business)	(Cell)		
Subdivision Name:	PRESTON VINE	YARD		
Number of Acres in De	evelopment: 82.759	_ Number of Lots/Parcels	in Development	165
Ultimate Disposal of S	urface Drainage:	AKE PONTCHART	RAIN	And the second s
Water Surface Runoff	Mitigation Proposed:	No	The second secon	
•	owing boxes below, when			
	ystem Proposed: Com			
	em Proposed: Commun	1		
	/	Concrete Asphalt A		
		Marsh □ Swamp □ Inu		
	/	idential   Commercial		
	/	sidential   Commercial		
- Surrounding Land U	se: Undeveloped	Residential Commerci	al □ Industrial	□ Other
		reet plan? Yes No		
- What will the noise level of the working development be?   Very Noisy Average Very Little				
- Will any hazardous materials have to be removed or brought on-site for the development? □ Yes ∀ N				
If yes, what are the h	nazardous materials?			Annual Control of the
- Does the subdivision	n front on any waterways	s? 🗆 Yes 💆 No		
If yes, what major st	reams or waterways?		and the second s	. And the second

- Does the subdivision front on any major arterial streets? Yes No	
If yes, which major arterial streets? U.S. HIGHWAY 190	
- Will any smoke, dust or fumes be emitted as a result of operational construction? □ Yes	E No
If yes, please explain?	<del></del>
- Is the subdivision subject to inundation? □ Frequently ☑ Infrequently □ None at all	/
- Will canals or waterways be constructed in conjunction with this subdivision?   Yes	No
(Does the proposed subdivision development)	
<ul> <li>a.) have or had any landfill(s) located on the property?</li> <li>b.) disrupt, alter or destroy any historical or archeological sites or district?</li> <li>c.) have a substantial impact on natural, ecological recreation, or scenic resources?</li> <li>d.) displace a substantial number of people?</li> <li>e.) conform with the environmental plans and goals that have been adopted by the parish?</li> <li>f.) cause an unwarranted increase in traffic congestion within or near the subdivision?</li> <li>g.) have substantial esthetic or adverse visual impact within or near the subdivision?</li> </ul>	☐ Yes ☑ No
h.) breach any Federal. State or Local standards relative to:	
<ul> <li>air Quality</li> <li>noise</li> <li>water Quality</li> <li>contamination of any public or private water supply</li> <li>ground water levels</li> <li>flooding/inundation</li> <li>erosion</li> <li>sedimentation</li> <li>rare and/or endangered species of animal or plant habitat</li> <li>interfering with any movement of resident or migratory fish or wildlife species</li> <li>inducing substantial concentration of population</li> <li>dredging and spoil placement</li> </ul>	□ Yes □ No
I hereby certify to the best of knowledge and ability, that this subdivision development wi adversely impact the surrounding environment, inclusive of all the information containe further, said information provided and answered above is accurate, true and correct.	ll not d herein; and
1/Willia 09-25-2016 DATE	All the second s
ENGINEER/SURVEYOR/OR DEVELOPER DATE	

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#### ADMINISTRATIVE COMMENT

### ZONING STAFF REPORT

**Date:** 8/29/2016 **Case No.:** 2016-357-ZC **Posted:** 08/18/16

Meeting Date: 9/6/2016 Determination: Approved

#### **GENERAL INFORMATION**

**PETITIONER:** Toby Easterly **OWNER:** The Marietta Trust

REQUESTED CHANGE: From A-1 Suburban District to A-3 Suburban District & PUD Planned Unit

Development Overlay

LOCATION: Parcel located on the south side of US Highway 190, west of LA Highway 1077; S29, T6S, R10E;

Ward 1, District 3 **SIZE:** 82.759 acres

#### **GENERAL INFORMATION**

#### ACCESS ROAD INFORMATION

Type: Federal Road Surface: 2 lane asphalt Condition: Good

# LAND USE CONSIDERATIONS SURROUNDING LAND USE AND ZONING:

<b>Direction</b>	Surrounding Use	Surrounding Zone
North	Undeveloped & Residential	A-1 Suburban District & NC-5 Retail and Service
		District & NC-2 Indoor Retail and Service District
South	Undeveloped	A-1 Suburban District
East	Undeveloped	A-3 Suburban District
West	Undeveloped	A-1 Suburban District

#### **EXISTING LAND USE:**

Existing development: No Multi occupancy development: Yes

#### **COMPREHENSIVE PLAN:**

**Agriculture** (nursery, sod) - Use of land for horticulture, floriculture, and the necessary or associated uses for packing, treating, storing the produce or using it for education.

### **STAFF COMMENTS:**

The petitioner is requesting to change the zoning from A-1 Suburban District to A-3 Suburban District & PUD Planned Unit Development Overlay. The site is proposed to be developed as a 165 unit single family residential subdivision. The size of the lots will vary from 50 feet, 60 feet and 70 feet in width.

Note that a zoning change to A-3 Suburban District is being requested for the same site (2016-355-ZC) to establish the underlying zoning and density of the proposed development.

#### **ACCESS**

The site is proposed to be access from US Highway 190, from two driveways, located at each end of the subdivision. A third driveway will also be required to be provided for lot 165, considering that the site is not accessible from the streets located inside of the subdivision.

#### GENERAL PUD CRITERIA

Required information	Staff Comments
Title of the project, name of the developer, legal description	Provided as Required
Existing Land Use within 500' of all boundaries on the plan	Provided as Required
Restrictive Covenants	Provided as Required
Water & Sewer facilities	Provided as Required (to be located on site, as identified on plan)
Wetland Delineations	Provided as Required
Flood Zone Demarcation Lines	Provided as Required
Ultimate Disposal of Surface Drainage	Provided as Required
Environmental Assessment Data Form	Provided as Required

#### **DENSITY**

As required under Section 6.0103 A.4.of the Planned Unit Development Overlay, the net density shall be provided, based upon the underlying zoning classification, utilizing the formula (Total Area x .75 =  $\_$  x maximum net density =  $\_$  lots (units)), or the number of lots/units may be established by a yield plan.

The gross density of the 82.8 acre parcel of land, is at 2 units per acre based on the proposed underlying zoning of A-3 Suburban District, which would allow for a total of 165 units. Based on the yield plan submitted (see attached) the net density would allow for 165lots/units. The proposal is for 165 lots/units.

#### **GREENSPACE**

A total of 40.677 acres of greenspace (49%) is proposed to be provided throughout the subdivision, including undisturbed wetlands area and active & passive recreation areas. The active recreation area is proposed to occupy 1.229 acres (2.8%) and be developed as a park with playground equipment, a half basketball court and a pavilion. The area dedicated to passive recreation, is proposed to occupy 39.438 acres (97%) and for the most part be dedicated as preserved wetlands and conservation areas. A walking trail (concrete) is proposed to be provided as a passive amenity.

Additional information required:

 A complete Recreational Development Plan shall be provided along with the preliminary subdivision submission. Said plan should be presented in document form inclusive of the amenities that are being provided, a site plan and/or landscape plan if applicable, a time schedule for development, and the entity or entities whom shall be responsible for the liability and maintenance of the recreational and/or greenspace areas.

## COMPREHENSIVE PLAN ANALYSIS

The 2025 future land use plan calls for the area to be developed with agricultural uses. The proposed development does not meets the objectives of the 2025 future land use plan; however the design of the residential subdivision will allow for the preservation of most of the existing wetlands located on the site.

### STAFF RECOMMENDATION:

The staff recommends that the request for a PUD Planned Unit Development Overlay designation be approved. Although there is a lack of variety of lot size and type of housing within the proposed PUD, staff feels that the design of the development is environmentally sensitive to the presence of wetlands and is of a higher quality than the current and requested underlying zoning would allow.