

CITY OF CAMBRIDGE

Community Development Department

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From: Community Development Department (CDD) Staff

Date: September 25, 2020

Re: Zoning Recommendations for Retail Uses and Home Occupations

Overview

Following from the July 30, 2020 meeting of the Economic Development and University Relations Committee, this memo includes the following material to be discussed at the upcoming meeting on September 30, 2020. This material was prepared by CDD staff in consultation with the Law Department and Inspectional Services Department (ISD).

- Recommendations and possible zoning text amendments related to Home Occupations, including Retail Residential Kitchens and Cottage Food Production.
- Recommendations and possible zoning text amendments related to Retail or Consumer Service Establishments as principal land uses in the Zoning Ordinance, including revised and new definitions in Article 2.000, amendments to the Table of Use Regulations in Article 4.000, and criteria for special permit review in Article 10.000.

The rationale for these recommendations is summarized on the following pages, and the attached document contains detailed zoning text changes for review and comment. A two-page chart summarizing the recommended changes to the retail land use table is also attached, along with a copy of the Cambridge Zoning Map for reference.

Because the suggested changes affect use definitions and regulations at a foundational level, implementing these changes will also require a detailed review of the entire Zoning Ordinance to resolve inconsistencies that may result. For example, Article 6.000 of the Zoning Ordinance containing parking, loading and bicycle parking requirements will need to be modified because it mirrors the Table of Use Regulations. Because this is a time-consuming effort, it should be done only after there is consensus on the desired changes to Article 2.000 and Article 4.000.

Background

The retail industry is constantly changing, and Cambridge's retail zoning needs to be flexible enough to allow for current and new businesses to thrive and survive. Since 2015, CDD has been engaged in an effort to analyze and improve base zoning regulations for retail businesses, following the recommendations of the *Commercial Land Use Classification Study, Retail Strategic Plan, Envision Cambridge*, and other studies. This effort has involved community outreach including surveys of business association leaders, individual business owners, and others in the community, as well as a review of seven years of BZA cases to identify common special permit requests and challenges for local business owners.

Based on the studies above and after discussions with the City Council, City staff, and community stakeholders, the following goals were created for the Retail Zoning Initiative:

- Consistently define all retail use types
- Add use types that are not listed
- Regulate "hybrid" activities
- Plan for unforeseen use types
- Consider relaxing some requirements (parking, change of use, & etc.)
- Revise allowed home-based businesses

The zoning recommendations that result from this initiative involve complex changes to a foundational part of the Zoning Ordinance. These changes are intended to result in a clearer and more rational set of use regulations that are responsive to the City's future planning goals. However, they must be undertaken carefully to avoid unintended adverse consequences.

Home Occupations

Per the request of Council, staff looked at how home-based businesses are regulated in the Zoning Ordinance to explore how they could be more inclusive. The suggested language is intended to clarify the range of uses that are permitted as home occupations, particularly artists and other creative professionals, and to clarify the conditions in which they may operate.

The most significant suggested change is to include language that would allow a residential kitchen to operate a Cottage Food business. According to state law, a Cottage Food business is defined as a person who produces cottage food products (e.g. jams, baked goods) in a residential kitchen of that person's primary residence. Staff are working to develop a new Cottage Food Operations Permit (through ISD) and webpage to be available once the new zoning is enacted.

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Principal Use Retail or Consumer Service Establishments

Part 1: Amendments to Definitions (Article 2.000)

As discussed at the last committee meeting, the current Zoning Ordinance does not define retail uses in a consistent way. The suggested zoning text changes in the attached document are guided by the following objectives:

- Creating a general umbrella definition of a "Retail or Consumer Service Establishment," to provide a way of regulating uses that do not fall into a specific category.
- Ensuring that every use listed in the Table of Use Regulations has a corresponding definition in Article 2.000.
- Consolidating and incorporating scattered footnotes and other provisions into definitions where appropriate.
- Defining common types of use that are not currently defined, such as grocery stores, craft beverage establishments, fitness centers, and temporary outdoor retail.
- Removing some provisions that have been found to be overly restrictive or difficult to enforce, such as limitations related to the volume of sales.

The summary table at the end of this memo lists the resulting set of defined retail uses, along with explaining the recommended regulatory approach to each.

Part 2: Addressing "Hybrid Uses" (New Section 4.39)

One of the recent challenges in regulating retail uses is when a single establishment combines the functions of multiple types of use. Ordinarily, such an establishment would be permitted only if all of the component uses are permitted in the district. This issue has been raised frequently in discussions with the Council and community stakeholders.

The suggested zoning would permit a scenario where a smaller retail use that is a component of a larger retail use could be permitted, so long as the larger retail use is permitted in the district and the smaller use is limited in size or hours of operation relative to the larger use. For example, a store that offers classes or lectures as a subsidiary function on-site would not need to be permitted as both a store and an educational establishment, so long as it meets the stated limitations. In this scenario, the subsidiary use would not affect parking, loading, or signage requirements.

This approach is a novel way to treat hybrid establishments, and while it would lessen some regulatory burdens it could also lead to unforeseen outcomes. The alternative to such an approach would simply be to regulate establishments with multiple principal uses according to the individual components, and to reconsider the types of retail use that are permitted in a particular district.

Part 3: Revised Use Regulations (Sections 4.30-4.40 – Table of Use Regulations and Footnotes)

With a set of retail uses that are more clearly and consistently defined, the City Council is better able to determine what types of uses are appropriate to what types of zoning districts. The changes suggested

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in the attached document are based on the recommendations of past studies, feedback heard from entrepreneurs and neighborhood/business associations over the years, CDD's Commercial District Assessment Reports, and discussions with the City Council.

Though the changes are very detailed, they follow an overall logic summarized below. The chart at the end of this memo provides a more comprehensive summary of the approach for specific use types.

- Retail and Industry Districts: Retail uses are generally allowed, either as-of-right or by special
 permit. Special permits are required for uses and locations where sensitivity to adjacent uses or
 compatibility with other permitted uses is a concern. Automobile-oriented uses remain more
 limited.
- Office Districts: Many retail uses are allowed as-of-right if they are on the ground floor and part
 of a mixed-use building or lot. The suggested text expands a provision in current zoning that
 allows limited restaurant use in mixed-use buildings, so that it applies to other use types and
 relaxes some limitations. Some retail uses require a special permit, and retail uses generally
 require a special permit in the lower-intensity Office-1 District.
- Residential Districts: Retail uses are generally prohibited, but a limited set of retail uses may be
 allowed by special permit if they are located in a building with a pre-existing non-residential
 space, such as a non-conforming "corner store" site. The specific uses being considered are
 convenience store, grocery store, personal services establishment, art craft/studio (which is
 currently allowed by special permit), and Fast Order or Quick-Service Food Establishment.

Another part of the rationale is to provide greater consistency in how use types with similar characteristics are regulated. One finding of CDD's review is that as businesses adopt innovative new models, it is often challenging to distinguish between specific types of use within a general category, such as food service establishments or entertainment/recreation facilities. The revised definitions are intended to make those distinctions more clear, but there could still be unanticipated impacts if a subtle distinction between use types creates a vastly different regulatory environment.

Part 4: Parking Exemptions for Small Businesses (Section 6.32.1)

As discussed at the last committee meeting, the suggested zoning text change would expand the current parking requirement exemptions for small businesses so that they would apply more broadly to non-residential uses established in existing buildings. After discussions with the City's transportation planning staff, this simple but effective change was found to be the preferred approach at this time, and a broader study of parking requirements and policies could be undertaken in the future.

Part 5: New Criteria for Retail and Consumer Service Special Permits (Section 10.43.1)

The recommended changes to Article 4.000 continue to allow some uses by special permit, which provides a process for site-specific review and approval of establishments. This process can last 3-6 months, which can be an impediment for some retailers, but also provides a mechanism to allow uses that might cause concerns if they were permitted without site-specific review. Through this process, the

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special permit granting authority – usually the Board of Zoning Appeal (BZA) – can place conditions to mitigate the site-specific impacts of a proposed use in a particular location.

General criteria for granting special permits are contained in Section 10.43 of the Zoning Ordinance, and apply to all types of uses and all types of special permits. The proposed zoning text would not change these criteria, but would create a new subsection, 10.43.1, that includes additional criteria specific to Retail or Consumer Service Establishments requiring a special permit. The benefit of including these additional criteria is to provide some focus to the review process and guidance to retail operators on what issues are of concern to the City and to the Board of Zoning Appeal in making decisions and incorporating appropriate conditions.

The suggested text includes topics discussed at the last committee meeting, including delivery and loading operations, environmental impacts such as dust, odor, and vibration, and compatibility of storefront design. The current proposal adds consideration of whether the establishment serves a public objective identified in citywide or neighborhood plans, which is in response to comments at the last committee meeting to account for whether a use meets a stated neighborhood need.

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The table below is an overview of the zoning resulting from the attached text suggestions – refer to the zoning text for details

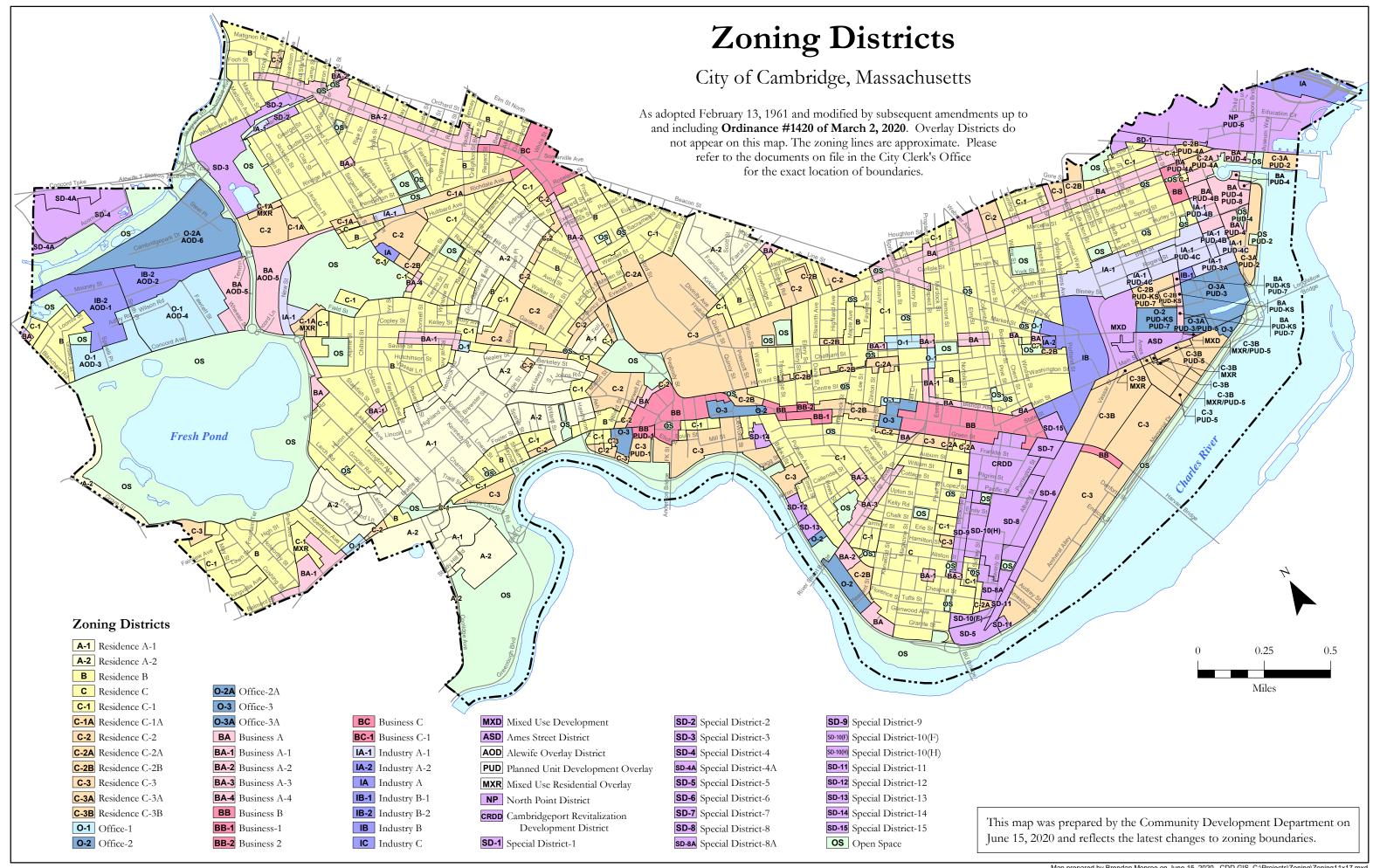
Category	Use Type	Business Districts	Industry Districts	Office Districts	Residential Districts (multifamily)	
Stores	Retail Business or Consumer Service Establishment, not otherwise defined		Special Permit Special Permit		No	
Stores	Convenience Store	Yes	Yes	Ground story	SP – Existing Space	
Stores	Merchandise Store	Yes	Yes	Ground story	No	
Stores	Grocery Store	Yes	Yes	Ground story	SP – Existing Space	
Stores	Craft Retail and Production Shop	Special Permit	Yes	Ground story	No	
Stores	Bakery, Retail	Yes	Yes	Ground story	No	
Personal Services	Personal Services Establishment	Yes	Yes	Ground story	SP – Existing Space	
Food and Beverage	Restaurant	Yes	Yes	Ground story	No	
Food and Beverage	Bar	Yes	Yes/Special Permit	Ground story	No	
Food and Beverage	Craft Beverage Establishment	Special Permit	Yes	Special Permit	No	
Food and Beverage	Food Stand or Kiosk	Yes/Special Permit	Yes	Ground story	No	
Food and Beverage	Food Hall	Yes/Special Permit	Yes	Special Permit	No	
Food and Beverage	Fast Order or Quick Service Food Establishment	Yes/Special Permit	Yes/Special Permit	Ground story	SP – Existing Space	
Entertainment and Recreation	Dance Hall or Nightclub	Yes/Special Permit Yes/Special Perm		Ground story	No	
Entertainment and Recreation	Theater	Yes/Special Permit Yes/Special Permit Ground stor		Ground story	No	
Entertainment and Recreation	Commercial Recreation Establishment	Yes/Special Permit Yes/Special Permit Ground		Ground story	No	
Entertainment and Recreation	Fitness Center	Yes	Yes	Ground story	SP – Existing Space	

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The table below is an overview of the zoning resulting from the attached text suggestions – refer to the zoning text for details

Category	Use Type	Business Districts	Industry Districts	Office Districts	Residential Districts (multifamily)	
Special Retail	Funeral Home	Yes	Yes	Special Permit	it No	
Special Retail	Animal Services Facility	Special Permit	Special Permit	Special Permit	No	
Special Retail	Indoor Auto Sales Facility	Yes	Yes/Special Permit	Ground story	No	
Special Retail	Cannabis Retail Store	Special Permit	Special Permit	No	No	
Arts	Art/Craft Studio	Yes	Yes	Special Permit	Special Permit	
Arts	Performing Arts Studio	Yes	Yes	Special Permit	Special Permit	
Outdoor Retail	Outdoor Retail or Consumer Service Establishment, not otherwise defined	Special Permit	Special Permit	No	No	
Outdoor Retail	Open-Lot Retail Sales Establishment	Yes	Yes	Ground story	No	
Outdoor Retail	Drive-In Food Service Establishment	Special Permit/No	Special Permit/No	pecial Permit/No No		
Outdoor Retail	Drive-In Consumer Service Establishment	Special Permit/No	Special Permit/No	No	No	
Outdoor Retail	Outdoor Entertainment and Recreation Facility	Special Permit/No	Special Permit	Ground story	No	
Outdoor Retail	Drive-In Theater	Special Permit/No	Yes/No	No	No	
Outdoor Retail	Outdoor Auto Sales Facility	Special Permit/No	Special Permit/No	No	No	
Outdoor Retail	Auto Service Station	Special Permit	Yes/SP/No	No	No	
Outdoor Retail	Auto Wash	Special Permit/No	Special Permit/No	No	No	
Outdoor Retail	Temporary Outdoor Retail or Consumer Service Use	Yes	Yes	Yes	Special Permit	

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District	Max. FAR	Min. Lot Area/DU	Min. Setback Front Yard	Min. Setback Side Yard	Min. Setback Rear Yard	Max. Height	Min. OS Ratio	General range of allowed uses	
A-1	0.50	6,000	25	15 sum to 35	25	35	50%	single-family detached dwellings	
A-2	0.50	4,500	20	10 sum to 25	25	35	50%		
В	0.50	2,500	15	7.5 sum to 20	25	35	40%	single- and two-family detached dwellings	
С	0.60	1,800	(H+L) ÷ 4 at least 10	(H+L) ÷ 5 ≥7.5, sum ≥20	(H+L) ÷ 4 at least 20	35	36%	single- and two-family detached dwellings townhouse dwellings multifamily dwellings	
C-1	0.75	1,500	(H+L) ÷ 4 at least 10	(H+L) ÷ 5 at least 7.5	(H+L) ÷ 4 at least 20	35	30%		
C-1A	1.25	1,000	10	(H+L) ÷ 7	(H+L) ÷ 5	45	15%		
C-2	1.75	600	(H+L) ÷ 4 at least 10	(H+L) ÷ 5	(H+L) ÷ 4 at least 20	85	15%	single-and two-family detache	
C-2A	2.50	300	(H+L) ÷ 5 at least 5	(H+L) ÷ 6	(H+L) ÷ 5 at least 20	60	10%	dwellings townhouse dwellings	
C-2B	1.75	600	(H+L) ÷ 4 at least 10	(H+L) ÷ 5	(H+L) ÷ 4 at least 20	45	15%	multifamily dwellings (apartments, condos)	
C-3	3.00	300	(H+L) ÷ 5 at least 5	(H+L) ÷ 6	(H+L) ÷ 5 at least 20	120	10%	some institutional uses	
C-3A	3.00	300	(H+L) ÷ 5 at least 5	(H+L) ÷ 6	(H+L) ÷ 5 at least 20	120	10%		
C-3B	3.00/4.00	300	10	no min	no min	120	10%		
0-1	0.75	1,200	(H+L) ÷ 4 at least 10	(H+L) ÷ 5	(H+L) ÷ 4 at least 20	35	15%		
0-2	1.50/2.00	600	(H+L) ÷ 4 at least 10	(H+L) ÷ 5	(H+L) ÷ 4 at least 20	70/85	15%	most types of residential dwellings most institutional uses offices and laboratories	
O-2A	1.25/1.50	600	(H+L) ÷ 4 at least 10	(H+L) ÷ 5	(H+L) ÷ 4 at least 20	60/70	15%		
0-3	2.00/3.00	300	(H+L) ÷ 5 at least 5	(H+L) ÷ 6	(H+L) ÷ 5 at least 20	90/120	10%		
O-3A	2.00/3.00	300	(H+L) ÷ 5 at least 5	(H+L) ÷ 6	(H+L) ÷ 5 at least 20	90/120	10%		
ВА	1.00/1.75	600	no min	no min	(H+L) ÷ 5 at least 20	35/45	no min		
BA-1	1.00/0.75	1,200	no min	no min	(H+L) ÷ 5 at least 20	35	no min	most types of residential	
BA-2	1.00/1.75	600	5	10	20	45	no min		
BA-3	0.75	1,500	(H+L) ÷ 4 at least 10	(H+L) ÷ 5	(H+L) ÷ 4 at least 20	35	30%		
BA-4	1.00/1.75 2.00 w/limitations	600	(H+L) ÷ 4 10' w/limitations	(H+L) ÷ 5 10' w/limitations	(H+L) ÷ 5 10' w/limitations	35 or 44 w/limitations	no min	dwellings	
ВВ	2.75/3.00	300	no min	no min	no min	80	no min	most institutional uses offices and laboratories	
BB-1	1.50/3.25	300	no min	no min	no min	55/90	15%	most retail uses	
BB-2	1.50/3.00	300	no min	no min	no min	45	15%		
ВС	1.25/2.00	500	no min	no min	20	55	no min		
BC-1	2.75/3.00	450	no min	no min	20	50	no min		
IA-1	1.25/1.50	700	no min	no min	no min	45	no min		
IA-2	2.75/4.00	no min	no min	no min	no min	70	no min	most types of residential dwellings	
IA	1.25/1.50	no min	no min	no min	no min	45	no min		
IB-1	1.50/3.00	no min	no min	no min	no min	60/70	no min	most institutional uses offices and laboratories some retail uses most light industrial uses some heavy industrial uses	
IB-2	0.75	1,200	15	no min	no min	35	15%		
IB	2.75/4.00	no min	no min	no min	no min	120	no min		
IC	1.00	no min	no min	no min	no min	45	no min		
OS	0.25	N/A	25	15	25	35	60%	open space, religious, or civic uses	

Notes on Zoning Regulations Table

Max. FAR = maximum allowed ratio of gross floor area on a parcel divided by the total land area of the parcel ("floor area ratio"). Where a slash (/) separates two figures, the first applies to non-residential and the second to residential & dormitory uses.

Min. Lot Area/DU = minimum allowed ratio of a parcel's lot area, expressed in feet, divided by the number of dwelling units on that parcel.

Min. Setback = minimum required distance between a parcel's lot line (front, side, or rear) and the wall of a building, in feet. The symbol (H+L) in a formula represents the height of the building plus the length of the building parallel to that lot line.

Max. Height = maximum allowed building height on a parcel, in feet. A slash (/) has the same meaning as under Max. FAR (see above).

Min. OS Ratio = minimum required ratio of usable open space on a parcel (not including parking) to total land area, expressed as a percentage.

General range of allowed uses gives an overview of the types of uses permitted by zoning in that district, but does not refer to specific allowed uses. *See Article 4 of the Zoning Ordinance for the detailed Table of Use Regulations*.

Brief Description and Overview of District Regulations Special (except where otherwise noted, detailed regulations are in Article 17 of the Zoning District Mixed Use Development District: Cambridge Center. Allows a mix of light industry, office, MXD biotechnology manufacturing, retail, residential, hotel, entertainment, and institutional uses. Entire (incl. district has a limit on aggregate gross floor area and a minimum open space requirement. Includes ASD) "Ames Street District" (ASD). See Article 14 of the Zoning Ordinance. Cambridgeport Revitalization Development District. Allows a mix of light industry, office, retail, residential, hotel, and entertainment uses. Aggregate gross floor area of the entire district limited to CRDD 1,900,000 square feet of non-residential and 400,000 square feet (or 400 units) of residential. Limits on FAR and building heights vary. At least 100,000 square feet reserved for open space. See Article 15 of the Zoning Ordinance. North Point Residence, Office and Business District. Allows certain residential, office, laboratory, retail, and institutional uses. Maximum FAR 1.0, height 40 feet. See Article 16 of the Zoning NP Ordinance. Greater development density allowed through PUD-6 regulations: See Article 13 of the Zonina Ordinance. Along Monsignor O'Brien Highway in East Cambridge. Regulations similar to Industry A-1 with SD-1 exceptions. Along Linear Park in North Cambridge. Regulations similar to Residence B with exceptions. SD-2 Conversion to housing is encouraged. Near Alewife Station. Allows residential, office, institutional, and limited retail uses. Aggregate gross SD-3 floor area of the entire district limited to 782,500 square feet not including MBTA facilities or existing residential buildings. SD-4 Along Acorn Park in North Cambridge. Regulations similar to Office 2 with exceptions. Preservation of open space is encouraged. SD-4A SD-5 Along Memorial Drive in southern Cambridgeport. Regulations similar to Office 2 with exceptions. Along railroad tracks between Cambridgeport and MIT Campus Area. Regulations similar to SD-6 Residence C-3 with exceptions. Along Massachusetts Avenue in Cambridgeport. Regulations similar to Business B (as modified by SD-7 Central Square Overlay District) with exceptions. Between Albany and Sidney Streets in Cambridgeport. Regulations similar to Industry A-1 with SD-8 Around Fort Washington Park in Cambridgeport. Regulations similar to Residence C-1A with SD-8A exceptions. Conversion to housing is encouraged. Along Brookline Street in Cambridgeport. Regulations similar to Residence C with exceptions. SD-9 Conversion to housing is encouraged. SD-10(F) Two locations in southern Cambridgeport near Henry Street, Brookline Street, Sidney Street. SD-10(H) Regulations similar to Residence C with exceptions. Conversion to housing is encouraged. Along railroad tracks and Memorial Drive in southeastern Cambridgeport / MIT Campus Area. SD-11 Regulations similar to Office 2 with exceptions. Along Memorial Drive in Riverside. Regulations similar to Residence C-2B with exceptions. Creation SD-12 of open space is encouraged SD-13 Along Memorial Drive in Riverside. Regulations similar to Residence C-2 with exceptions. Near Grant and Cowperthwaite Streets in Riverside. Regulations similar to Residence C-1 with SD-14 exceptions. Preservation of neighborhood character is encouraged At Massachusetts Ave and Albany Street. Regulations similar to Industry B with allowances for SD-15

additional FAR and height.

City of Cambridge Zoning Reference Sheet

CAUTIONARY NOTE. This sheet is intended to serve as a quick reference to dimensional standards and use regulations defined in the Cambridge Zoning Ordinance. This sheet does not serve as a substitute for the Cambridge Zoning Ordinance, and the City of Cambridge does not guarantee that this sheet is fully consistent with the Zoning Ordinance. The print version of the Zoning Ordinance, together with any amendments adopted by the City Council subsequent to the most recent update to the print version, remains the official version of the Ordinance. If any discrepancies exist between the print version of the Zoning Ordinance and this sheet, then the print version of the Ordinance, together with any City Council amendments, shall be considered correct.

The full Zoning Ordinance is available online at www.cambridgema.gov/CDD/zoninganddevelopment/Zoning

Planned Unit Development (PUD) Districts

PUD overlay districts provide flexible zoning standards for multi-site phased development with a variety of land uses and densities. A developer may choose to conform to PUD controls in lieu of the base district requirements, but must receive a special permit from the Planning Board. See Articles 12 and 13 of the Zoning Ordinance.

PUD-KS	Kendall Square. Mixed use with office, residential, retail, and a required public park. Max FAR 3.0 with restrictions. Max heights 65'-250', with limitations adjacent to public open space.
PUD-1	Charles Square near Harvard. Medium density mixed use with commercial, office and residential. Max FAR 3.0. Max height 60' with conditional increases to 110'.
PUD-2	East Cambridge Riverfront. Office, retail and residential. Max FAR 3.0, or 4.0 for residential uses. Max height 120'.
PUD-3 PUD-3A	Kendall Square, near riverfront. Mixed use with office, retail and residential. Max FAR 2.0-3.0. Max height 120'-230', with conditions and allowances.
PUD-4 PUD-4A PUD-4B PUD-4C	East Cambridge along First and Binney Streets. Mix of retail, office, and residential. Max FAR 2.0-3.0 and max height 65'-85', with conditions and allowances.
PUD-5	MIT at Kendall Square. Office and institutional development with required housing and ground floor retail. Total FAR 3.9. Heights allowed to 250' for non-residential and 300' for residential uses.
PUD-6	North Point. Residential with retail and office uses, community services, and public open space. Max FAR 3.0, incentives to encourage housing and development near transit. Max heights 85'-250', some areas limited to 65'.
PUD-7	Kendall Square, "Volpe Center Parcel." Mix of commercial office/lab and residential with required open space, ground-floor active uses, and community space. Up to 3.25 million square feet of floor area. Max heights 250'-350', one building up to 500'.
PUD-8	East Cambridge, "CambridgeSide Galleria Parcel." Mix of commercial, office/lab and residential with improved open space around Lechmere Canal Park. Up

Alewife Overlay Districts (AOD-1,2,3,4,5,6)

max building heights of 155'

to 575,000 square feet of new gross floor area, and

These overlays modify the dimensional provisions of the base districts, generally allowing greater height and FAR by special permit from the Planning Board, but also imposing additional requirements for open space, permeability, setbacks, etc. For details see Section 20.90 of the Zoning Ordinance.