



City of Cambridge

Executive Department

YI-AN HUANG
City Manager

CMA 2025 #288
IN CITY COUNCIL
December 8, 2025

To the Honorable, the City Council:

Please see the attached Communication from Melissa Peters, Assistant City Manager for Community Development and Megan Bayer, City Solicitor, regarding updates to the City's institutional use regulations for consistency with State law.

Sincerely,

Yi-An Huang
City Manager





To: Yi-An Huang, City Manager

From: Melissa Peters, Assistant City Manager for Community Development
Megan B. Bayer, City Solicitor

Date: December 4, 2025

Re: **Updates to Institutional Use Regulations for Consistency with State Law**

Background

As explained at the Neighborhood and Long-Term Planning Committee meeting on September 25, Cambridge is “authorized to regulate and restrict the use of land or structures for religious purposes or for educational purposes on land owned or leased by a religious sect or denomination, or by a nonprofit educational corporation within all residentially zoned districts which require a lot area of one thousand two hundred square feet or more per dwelling unit.” This special authorization was enacted by the legislature in 1979 (Ch. 565 of the Acts of 1979) and amended in 1980 (Ch. 387 of the Acts of 1980). Generally, Massachusetts cities and towns are prevented from regulating or restricting such uses by Section 3 of M.G.L. Chapter 40A, often referred to as the “Dover Amendment.”

Cambridge’s Institutional Use Regulations (Section 4.50 of the Zoning Ordinance) are based on its special authorization, which only applies in residential districts that require at least 1,200 square feet of lot area per dwelling unit. The Multifamily Zoning Amendments, adopted in February, 2025, removed minimum lot area per dwelling unit standards from all zoning districts citywide. The intent of this change was to remove impediments to multifamily housing production and to reform zoning practices that lead to inequitable outcomes, such as encouraging fewer, larger homes in some parts of the city compared to others. However, a known consequence of this amendment was that no zoning districts would be authorized to regulate religious and certain educational uses under Cambridge’s special legislation.

As discussed in September, it may be beneficial to update how institutional uses are regulated more broadly in order to promote current policy goals. Several longer-term actions can be taken, including comprehensive zoning reform or the possibility of seeking additional special legislation. In the immediate term, it is important to amend the Zoning Ordinance so that current regulations are consistent with state law to avoid confusion or conflict in the permitting process where institutional uses are proposed.

Proposed Zoning Amendment

The intent of the attached zoning text amendment is to ensure consistency with Section 3 of M.G.L. Chapter 40A in the most limited way possible.

The effect of the proposed zoning would be to permit land in all zoning districts to be used as-of-right for the following purposes, which cannot be regulated pursuant to Section 3 of M.G.L. Chapter 40A, in all zoning districts:

- Religious purposes
- Educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation
- A child care center, school-aged child care program, family child care home, or large family child care home, as defined in Section 1A of M.G.L. Chapter 15D

Under the current Institutional Use Regulations (IURs), the uses listed above are in some cases treated as prohibited or conditional uses, depending on the base zoning district, the location inside or outside of an Institutional Use Overlay District, and the current use of the land. This type of regulation is currently impermissible in all districts.

The proposed zoning makes no change to how other institutional uses are regulated by the IURs. These uses include private for-profit educational uses, non-commercial research facilities, health care facilities, social service facilities, local government facilities, and other types of non-commercial uses such as clubs, museums and galleries, and cemeteries.

The proposed zoning also makes no change to dimensional requirements for institutional uses. As a reminder, the Multifamily Zoning Amendments increased heights and dimensional limitations only for housing and not for institutional uses, which remain mostly subject to the dimensional limitations in place before the Multifamily Zoning Amendments were adopted. The exception is religious uses, which are permissible under the dimensional regulations that normally apply to housing following the adoption of the Marasao, et al., Zoning Petition in August, 2025.

Suggested Action

We suggest that the Council vote to adopt the attached text as a zoning petition and refer to the Planning Board and Ordinance Committee for hearing and report. This action will start the statutory review process so that these necessary changes can be considered early in the 2026-2027 City Council term. The Ordinance Committee would have until early February to hold a public hearing and the Council would have until early spring to vote on possible adoption.

Additional approaches to revising regulations for institutional uses may be considered in future discussions.

Petition: To amend Section 4.50 of the Cambridge Zoning Ordinance as follows with the intent of permitting the use of land for the following purposes as-of-right in all zoning districts: religious purposes; educational purposes on land owned or leased by the Commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation; and for a child care center, school-aged child care program, family child care home, or large family child care home as defined in Section 1A of Chapter 15D of Massachusetts General Laws.

Amend Section 4.51 to read as follows:

4.51 Legal Authority. This Section regulates the use of land for institutional purposes, including but not limited to uses subject to M.G.L. c.40A, §3. Additionally, the City has authority pursuant to Chapter 565 of the Acts of 1979 of the General Court, as amended by Chapter 387 of the Acts of 1980, to restrict the use of land for certain institutional purposes in residentially zoned districts which require a lot of one thousand two hundred (1,200) square feet or more per dwelling unit. If any residentially zoned districts require a lot of one thousand two hundred (1,200) square feet or more per dwelling unit, this Section 4.50 will contain the applicable institutional use regulations.

Amend Section 4.56 to read as follows:

4.56 TABLE OF INSTITUTIONAL USE REGULATIONS

Use Categories	Inside Institutional Overlay Districts Existing Lot Status			Outside Institutional Overlay Districts Existing Lot Status		
	(1)	(2)	(3)	(1)	(2)	(3)
a. Religious Purposes						
1. Place of Worship	Yes	Yes	Yes	Yes	Yes	Yes
2. Rectory, parsonage	Yes	Yes	Yes	Yes	Yes	Yes
3. Convent, monastery	Yes	Yes	Yes	Yes	Yes	Yes
4. Social or recreational center	Yes	Yes	Yes	Yes	Yes	Yes
5. Other use with religious purposes	Yes	Yes	Yes	Yes	Yes	Yes
b. Use of Land or Structure for Educational Purposes on Land Owned or Leased by the Commonwealth or any of its Agencies, Subdivisions or Bodies Politic or by	Yes	Yes	Yes	Yes	Yes	Yes

Proposed Zoning Amendment – Institutional Use Regulations

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Cambridge Community Development Department

a religious sect or denomination, or by a nonprofit educational corporation						
c. Use of Land or Structure for Educational Purposes on Land Owned or Leased by Entities not included in Subsection 4.56b						
1. Child care center, school-aged child care program, family child care home, or large family child care home as defined in Section 1A of Chapter 15D of Massachusetts General Laws	Yes	Yes	Yes	Yes	Yes	Yes
2. Primary School	SP ⁴	SP	Yes	No	SP	SP ⁵
3. Secondary School	SP ⁴	SP	SP	No	No	No
4. College or university athletic facility, auditorium, theater or similar facility, any of which is customarily accessible to the general public on a paid admission fee or other basis	SP ⁴	SP	SP	No	No	No ⁶
5. College or university laboratory or research facility customarily involving radioactive materials and other controlled substances, high Intensity electromagnetic radiation or chemical or biological processes potentially entailing a high level of danger to the public health and safety	SP ⁴	SP	SP	No	No	No
6. Other College or university facility ¹	SP ⁴	SP	Yes	No	No	No ⁶
7. Vocational or other schools	SP ⁴	SP	Yes	No	SP	SP ⁵
8. Dormitory, resident fraternity or sorority	SP ⁴	SP	SP	No	No	No ⁶
d. Non-Commercial Research Facilities						
1. Laboratory or other research facility customarily involving research with radioactive materials, controlled substances, high intensity electromagnetic radiation or chemical or biological processes potentially entailing a high level of danger to the public health and safety	SP ⁴	SP	SP	No	No	No
2. Private library, study center or other research facility	SP ⁴	SP	Yes	No	SP	SP ⁵
e. Health Care Facilities						
1. Hospital	SP ⁴	SP	SP	No	No	No
2. Infirmary	SP ⁴	SP	Yes	No	SP	SP ⁵
3. Nursing or Convalescent home	SP ⁴	SP	Yes	No	SP	SP ⁵
4. Clinic not affiliated with any other institution	SP ⁴	SP	Yes	No	SP	SP ⁵
5. Clinic affiliated with a hospital or an accredited university medical school	SP ⁴	SP	SP	No	No	No ⁶

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	6. Clinic connected to a community center	SP ⁴	SP	Yes	No	SP	SP ⁵
	7. Other health care facility	SP ⁴	SP	Yes	No	SP	SP ⁵
f. Social Service Facilities							
	1. Social service center	SP ⁴	Yes	Yes	No	SP	SP ⁵
	2. Community Center	SP ⁴	SP	SP	No	No	No ⁶
g. Local Government ²							
	1. Administrative office	SP ⁴	SP	SP	No	No	No ⁶
	2. Fire or police station	SP ⁴	SP	Yes	No	SP	SP ⁵
	3. Museum	SP ⁴	SP	Yes	No	SP	SP ⁵
	4. Municipal service facility	SP ⁴	SP	SP	No	No	No
	5. Public park, playground, or public recreation building	SP ⁴	Yes	Yes	SP ⁴	Yes	Yes
	6. Municipal Library	Yes ⁸	Yes ⁸	Yes ⁸	Yes ⁸	Yes ⁸	Yes ⁸
h. Other Governmental Facility		Yes	Yes	Yes	Yes	Yes	Yes
i. Other Institutional Uses							
	1. Club, lodge, or other fraternal or sororal meeting facility	SP ⁴	SP	Yes	No	SP	SP ⁵
	2. Museum or noncommercial gallery ³	SP ⁴	Yes	Yes	No	SP	SP ⁵
	3. Cemetery	SP ⁴	Yes	Yes	No	Yes	Yes
	4. Institutional use not listed in any other category	SP ⁴	SP	SP	No	SP	SP ⁵

FOOTNOTES TO TABLE OF INSTITUTIONAL REGULATIONS

1. Other college or university facility shall include administrative offices, faculty and staff offices, teaching and research facilities not included in Subsection 4.56c(4) or c(5), libraries, museums, dining halls and service facilities including facilities listed in Subsection 4.56c(4) which are not accessible to the general public.
2. Local government shall include all nonresidential facilities and activities of the City of Cambridge, the Cambridge Housing Authority, Cambridge Redevelopment Authority and their component agencies, but shall not include public schools.
3. This use designation shall include facilities for cultural and ethnic heritage appreciation.
4. The Board of Zoning Appeal shall grant a special permit for this use only if the applicant demonstrates that he will act to replace indefinitely the dwelling units removed from the lot or converted to institutional use with an equivalent number of units, not previously on the housing market, at another location or locations within the City of Cambridge, before the units are removed or converted, and only if the applicant adequately provides at his own expense for the relocation of the occupants of the existing units to comparable units within the City of Cambridge. In every case, this replacement housing shall include units suitable for and available to low and moderate income households in an amount equal to ten (10) percent of the total number of units to be replaced. The remaining replacement units shall be comparable to the units removed. Comparability shall be determined by dwelling unit mix in terms of number of bedrooms, special facilities (such as handicapped access or common areas), amenities, including those existing in the surrounding neighborhood and range of price/rent levels. The Board of Zoning Appeal may require that the applicant submit whatever evidence

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it deems necessary to determine that the replacement units will be comparable and the applicant is bound to provide such units. Otherwise the special permit will not be issued. Replacement units shall be available for occupancy before the existing dwelling units are removed or converted and shall remain available as low and moderate income and comparable units unless otherwise authorized by the Board of Zoning Appeal. No building or demolition permit for the proposed institutional development shall be issued until the replacement units are available for occupancy and the occupants of the existing units have been relocated.

5. This use is allowed as of right if the pre-existing institutional use of the lot is in the same use table category in Subsection 4.56, otherwise a special permit from the Board of Zoning Appeal shall be required. Such special permit shall be granted only if the Board determines that the use will have fewer adverse impacts on the neighborhood than the pre-existing institutional use. In making this determination, the Board shall consider and comment on the physical attributes of the use, including those evaluated in the Cambridge Institutional Growth Management Plan. The Board may require the applicant to submit whatever documentation it deems necessary, to assist it in making said determination.
6. This use may be allowed upon issuance of a special permit by the Board of Zoning Appeal if the pre-existing institutional use of the lot is in the same use table category in Subsection 4.56 or if the Board determines that the use will have fewer adverse impacts on the neighborhood than the pre-existing institutional use. In making this determination, the Board shall consider and comment on the physical attributes of the use, including those evaluated in the Cambridge Institutional Growth Management Plan. The Board may require the applicant to submit whatever documentation it deems necessary to assist it in making said determination.
7. Subject to the provision of Section 11.20.
8. Any dimensional or other relief from the provisions of this Ordinance required to construct or locate a municipal library use shall be permitted by grant of a special permit from the Planning Board. In granting such a special permit, where the library is proposed to be located within an Open Space zoning district, the Planning Board shall, in addition to the criteria set forth in Section 10.43, find that there will be no substantial reduction in the recreational and/or open space use, excluding parking areas and roadways. Where the Board does find there will be a substantial reduction in the recreational and/or open space use the special permit shall be granted upon assurance by the City Manager that he will offset such reduction by increased recreational and/or open space uses at another location, subject to necessary appropriations.

Petition: To amend Section 4.50 of the Cambridge Zoning Ordinance as follows with the intent of permitting the use of land for the following purposes as-of-right in all zoning districts: religious purposes; educational purposes on land owned or leased by the Commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation; and for a child care center, school-aged child care program, family child care home, or large family child care home as defined in Section 1A of Chapter 15D of Massachusetts General Laws.

Amend Section 4.51 to read as follows:

4.51 Legal Authority. ~~In accordance with Chapter 565 of the 1979 General Court, and as amended by Chapter 387 of the Acts of 1980, the use of land for institutional purposes in residentially zoned districts which require a lot of one thousand two hundred (1,200) square feet or more per dwelling unit shall be governed by the provisions of this Section 4.50. This Section regulates the use of land for institutional purposes, including but not limited to uses subject to M.G.L. c.40A, §3. Additionally, the City has authority pursuant to Chapter 565 of the Acts of 1979 of the General Court, as amended by Chapter 387 of the Acts of 1980, to restrict the use of land for certain institutional purposes in residentially zoned districts which require a lot of one thousand two hundred (1,200) square feet or more per dwelling unit. If any residentially zoned districts require a lot of one thousand two hundred (1,200) square feet or more per dwelling unit, this Section 4.50 will contain the applicable institutional use regulations.~~

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	(1)	(2)	(3)	(1)	(2)	(3)
a. Religious Purposes						
1. Place of <u>of</u> Worship	<u>Yes</u> ^{SP4}	Yes	Yes	<u>Yes</u> No	<u>Yes</u> ^{SP}	Yes
2. Rectory, parsonage	<u>Yes</u> ^{SP4}	Yes	Yes	<u>Yes</u> No	<u>Yes</u> ^{SP}	Yes
3. Convent, monastery	<u>Yes</u> ^{SP4}	Yes	Yes	<u>Yes</u> No	<u>Yes</u> ^{SP}	Yes
4. Social or recreational center	<u>Yes</u> ^{SP4}	Yes	Yes	<u>Yes</u> No	<u>Yes</u> ^{SP}	<u>Yes</u> ^{SP5}
5. Other use with religious purposes	<u>Yes</u> ^{SP}	Yes	Yes	<u>Yes</u> No	<u>Yes</u> ^{SP}	Yes

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b. Use of Land or Structure for Educational Purposes on Land Owned or Leased by the Commonwealth or any of its Agencies, Subdivisions or Bodies Politic <u>or by a religious sect or denomination, or by a nonprofit educational corporation</u>	Yes	Yes	Yes	Yes	Yes	Yes
c. Use of Land or Structure for Educational Purposes on Land Owned or Leased by Entities not included in Subsection 4.56b						
1. <u>Child care center, school-aged child care program, family child care home, or large family child care home as defined in Section 1A of Chapter 15D of Massachusetts General Laws</u> Pre-school, day care center or kindergarten	<u>Yes</u> SP ⁴	Yes	Yes	<u>Yes</u> No	<u>Yes</u> SP	Yes
2. Primary School	SP ⁴	SP	Yes	No	SP	SP ⁵
3. Secondary School	SP ⁴	SP	SP	No	No	No
4. College or university athletic facility, auditorium, theater or similar facility, any of which is customarily accessible to the general public on a paid admission fee or other basis	SP ⁴	SP	SP	No	No	No ⁶
5. College or university laboratory or research facility customarily involving radioactive materials and other controlled substances, high Intensity electromagnetic radiation or chemical or biological processes potentially entailing a high level of danger to the public health and safety	SP ⁴	SP	SP	No	No	No
6. Other College or university facility ¹	SP ⁴	SP	Yes	No	No	No ⁶
7. Vocational or other schools	SP ⁴	SP	Yes	No	SP	SP ⁵
8. Dormitory, resident fraternity or sorority	SP ⁴	SP	SP	No	No	No ⁶
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	2. Private library, study center or other research facility	SP ⁴	SP	Yes	No	SP	SP ⁵
e. Health Care Facilities							
	1. Hospital	SP ⁴	SP	SP	No	No	No
	2. Infirmary	SP ⁴	SP	Yes	No	SP	SP ⁵
	3. Nursing or Convalescent home	SP ⁴	SP	Yes	No	SP	SP ⁵
	4. Clinic not affiliated with any other institution	SP ⁴	SP	Yes	No	SP	SP ⁵
	5. Clinic affiliated with a hospital or an accredited university medical school	SP ⁴	SP	SP	No	No	No ⁶
	6. Clinic connected to a community center	SP ⁴	SP	Yes	No	SP	SP ⁵
	7. Other health care facility	SP ⁴	SP	Yes	No	SP	SP ⁵
f. Social Service Facilities							
	1. Social service center	SP ⁴	Yes	Yes	No	SP	SP ⁵
	2. Community Center	SP ⁴	SP	SP	No	No	No ⁶
g. Local Government²							
	1. Administrative office	SP ⁴	SP	SP	No	No	No ⁶
	2. Fire or police station	SP ⁴	SP	Yes	No	SP	SP ⁵
	3. Museum	SP ⁴	SP	Yes	No	SP	SP ⁵
	4. Municipal service facility	SP ⁴	SP	SP	No	No	No
	5. Public park, playground, or public recreation building	SP ⁴	Yes	Yes	SP ⁴	Yes	Yes
	6. Municipal Library	Yes ⁸	Yes ⁸	Yes ⁸	Yes ⁸	Yes ⁸	Yes ⁸
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3. This use designation shall include facilities for cultural and ethnic heritage appreciation.
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5. This use is allowed as of right if the pre-existing institutional use of the lot is in the same use table category in Subsection 4.56, otherwise a special permit from the Board of Zoning Appeal shall be required. Such special permit shall be granted only if the Board determines that the use will have fewer adverse impacts on the neighborhood than the pre-existing institutional use. In making this determination, the Board shall consider and comment on the physical attributes of the use, including those evaluated in the Cambridge Institutional Growth Management Plan. The Board may require the applicant to submit whatever documentation it deems necessary, to assist it in making said determination.
6. This use may be allowed upon issuance of a special permit by the Board of Zoning Appeal if the pre-existing institutional use of the lot is in the same use table category in Subsection 4.56 or if the Board determines that the use will have fewer adverse impacts on the neighborhood than the pre-existing institutional use. In making this determination, the Board shall consider and comment on the physical attributes of the use, including those evaluated in the Cambridge Institutional Growth Management Plan. The Board may require the applicant to submit whatever documentation it deems necessary to assist it in making said determination.
7. Subject to the provision of Section 11.20.
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