

City of Cambridge

Executive Department

YI-AN HUANG
City Manager

CMA 2025 #288
IN CITY COUNCIL
December 8, 2025

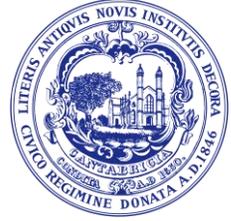
To the Honorable, the City Council:

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.