

City of Cambridge
Community Development Department
Institutional Use Zoning Petition

Planning Board
January 27, 2026





Background

What are Institutional Uses?

Examples

- Religious – places of worship, rectories/convents, social centers, &c.
- Educational – pre-school, K-12, university, vocational (incl. dorms)
- Non-commercial research – e.g., non-profit research institutes
- Health care – hospitals, clinics, nursing homes (not medical offices)
- Social services – service centers, community centers
- Local government – administration, fire/police, services, libraries, parks
- Other – clubs/lodges, noncommercial galleries/museums, cemeteries

Statewide Legal Framework

“Dover Amendment” (M.G.L. Chapter 40A, Section 3)

- “... nor shall any such [zoning] ordinance or by-law **prohibit, regulate or restrict** the use of land or structures for **religious purposes** or for **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** ...”

Statewide Legal Framework

“Dover Amendment” (M.G.L. Chapter 40A, Section 3)

- “No zoning ordinance or bylaw in any city or town shall prohibit, or require a special permit for, the use of land or structures, or the expansion of existing structures, for the primary, accessory or incidental purpose of operating a **child care facility** ...”
- “**Family child care home** and **large family child care home** as defined in section 1A of chapter 15D shall be an allowable use and no city or town shall prohibit or regulate such use in its zoning ordinances or by-laws [amended in 2024].”

Statewide Legal Framework

“Dover Amendment” (M.G.L. Chapter 40A, Section 3)

- “... provided, however, that such land or structures may be subject to **reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements.**”

Statewide Legal Framework

Summary of Institutional Uses “Protected” by M.G.L. 40A Section 3

- Religious uses
- Public, religious, and non-profit schools (K-12 and college/university)
- Day care or preschool
- Family child care centers (i.e., home-based day care)

What can be regulated in zoning

- Bulk and height
- Yard sizes
- Lot area
- Setbacks
- Open space
- Parking
- Building coverage

Cambridge Exemptions

Acts of 1979

Chap. 565. AN ACT RELATIVE TO USE OF CERTAIN LAND
IN THE CITY OF CAMBRIDGE WITHIN RESIDENTIAL
DISTRICTS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section three
of chapter forty A of the General Laws, the city of Cambridge is
hereby 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.

SECTION 2. The provisions of section one of this act shall
not apply to land or structures owned or controlled by Harvard
College.

Approved August 21, 1979.

Cambridge Exemptions

Acts of 1980

Chap. 387. AN ACT REPEALING THE EXEMPTION OF HARVARD COLLEGE FROM THE LAW RELATIVE TO USE OF CERTAIN LAND IN THE CITY OF CAMBRIDGE WITHIN RESIDENTIAL DISTRICTS.

Be it enacted, etc., as follows:

SECTION 1. Section two of chapter five hundred and sixty-five of the acts of nineteen hundred and seventy-nine is hereby repealed.

SECTION 2. This act shall take effect upon its passage.

Approved July 5, 1980.

Multifamily Zoning Changes

Relevant zoning changes	Res. A-1, A-2, B, C, C-1	Other districts
Before multifamily zoning amendments (Feb. 2025)	<ul style="list-style-type: none">• All districts have minimum lot area per dwelling unit greater than 1,200 SF• Institutional Use Regulations (IURs) apply to religious, educational, other uses	<ul style="list-style-type: none">• Some districts have minimum lot area per dwelling unit, all less than 1,200 SF• Some institutional uses regulated by base zoning (not “Dover-protected”)
After multifamily zoning amendments (Feb. 2025)	<ul style="list-style-type: none">• All rezoned to Res. C-1• No minimum lot area per dwelling unit• IURs unchanged, but can no longer be applied to certain religious and educational uses	<ul style="list-style-type: none">• No minimum lot area per dwelling unit• No change to regulations for institutional uses



Current Petition

Purpose of Zoning Petition

Amend Institutional Use Regulations to permit “Dover-protected” uses as-of-right in all zoning districts in order to be consistent with state law:

- Religious uses
- Public, religious, and non-profit educational uses
- Child care uses (including home-based child care)

Necessary to align current Zoning Ordinance with state law

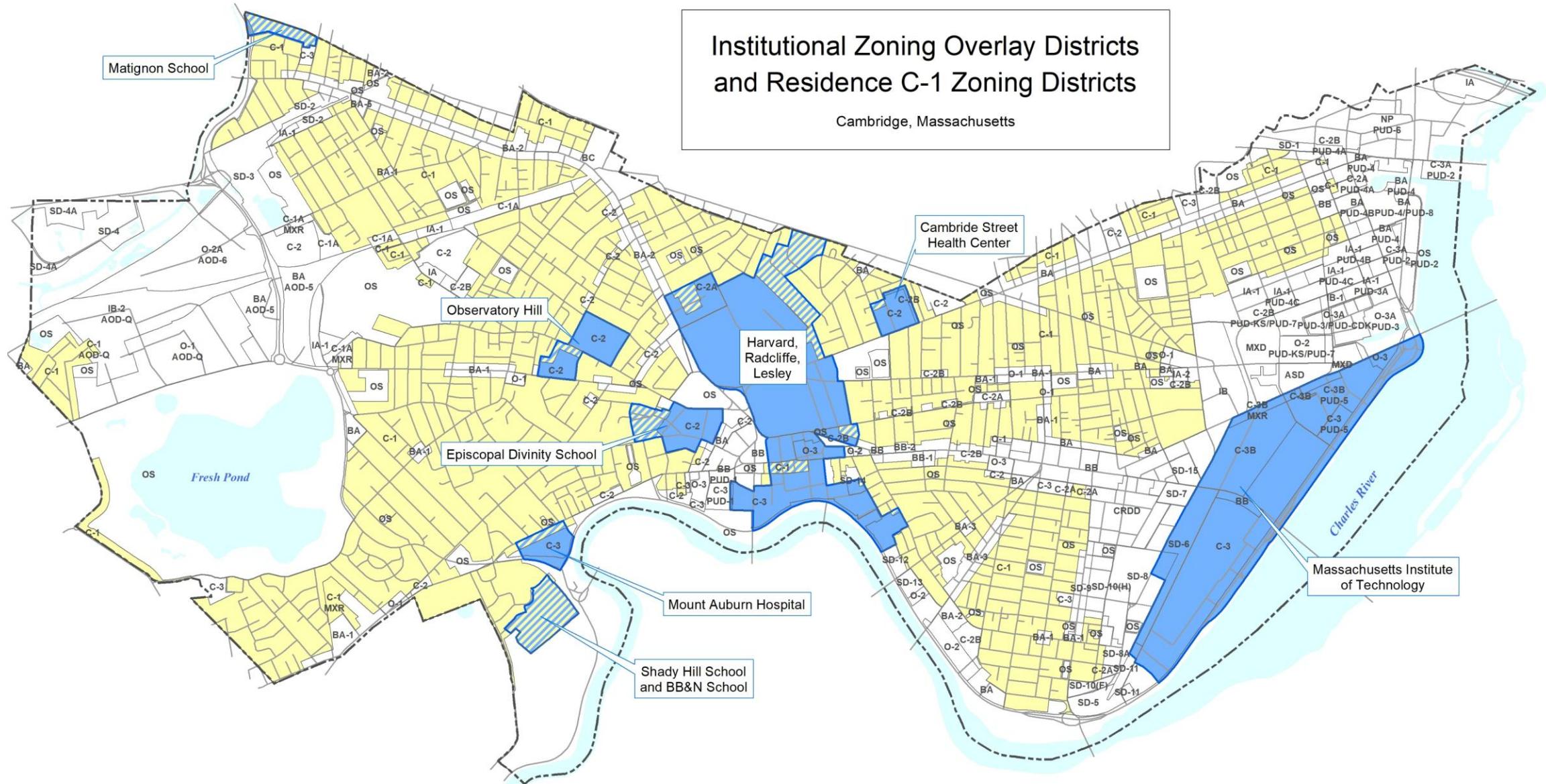
Current Institutional Use Zoning

Uses regulated based on ...

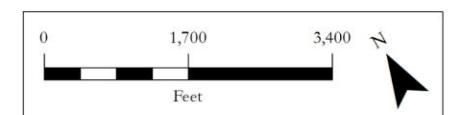
- Base Zoning – is it a C-1 (or lower) residential district or other?
- Institutional Use Overlay Districts – is it inside or outside?
- Current Use – is it:
 - (1) residential
 - (2) neither residential nor institutional
 - (3) institutional

Institutional Zoning Overlay Districts and Residence C-1 Zoning Districts

Cambridge, Massachusetts



- Institutional Zoning Overlay Districts
- Residence C-1 Zoning Districts
- Areas of Overlap



Institutional Use Zoning Petition

CURRENT ZONING

Use Categories	Inside Institutional Overlay Districts			Outside Institutional Overlay Districts		
	(1)	(2)	(3)	(1)	(2)	(3)
a. Religious Purposes						
1. Place of Worship	SP ⁴	Yes	Yes	No	SP	Yes
2. Rectory, parsonage	SP ⁴	Yes	Yes	No	SP	Yes
3. Convent, monastery	SP ⁴	Yes	Yes	No	SP	Yes
4. Social or recreational center	SP ⁴	Yes	Yes	No	SP	SP ⁵
5. Other use with religious purposes	SP	Yes	Yes	No	SP	Yes

Institutional Use Zoning Petition

PROPOSED ZONING

Use Categories	Inside Institutional Overlay Districts			Outside Institutional Overlay Districts		
	Existing Lot Status	(1)	(2)	(3)	(1)	(2)
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

Institutional Use Zoning Petition

CURRENT ZONING

Use Categories	Inside Institutional Overlay Districts Existing Lot Status			Outside Institutional Overlay Districts Existing Lot Status		
	(1)	(2)	(3)	(1)	(2)	(3)
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	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. Pre-school, day care center or kindergarten	SP ⁴	Yes	Yes	No	SP	Yes

Institutional Use Zoning Petition

PROPOSED ZONING

Use Categories	Inside Institutional Overlay Districts Existing Lot Status			Outside Institutional Overlay Districts Existing Lot Status		
	(1)	(2)	(3)	(1)	(2)	(3)
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 a religious sect or denomination, or by a nonprofit educational corporation	Yes	Yes	Yes	Yes	Yes	Yes

Institutional Use Zoning Petition

PROPOSED ZONING

Use Categories	Inside Institutional Overlay Districts Existing Lot Status			Outside Institutional Overlay Districts Existing Lot Status		
	(1)	(2)	(3)	(1)	(2)	(3)
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

Institutional Use Zoning Petition

No Change

- Use regulations for other institutional uses that are not “Dover Protected”
- Dimensional regulations, which are more restrictive for non-residential than residential (except religious uses)



Planning Considerations

Institutional Use Planning

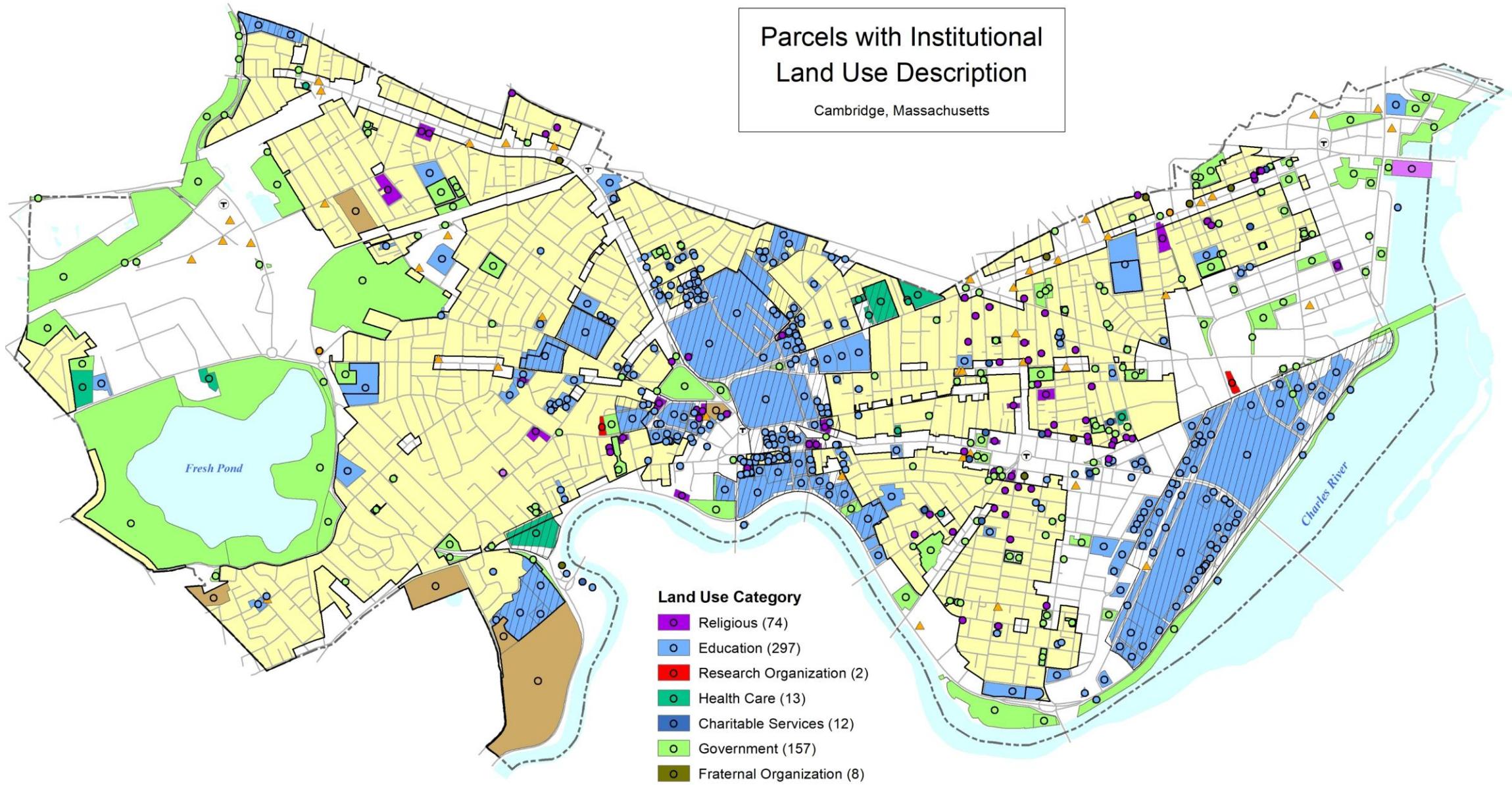
Envision Cambridge comprehensive plan (2019)

Higher Education Institutional Areas should grow primarily within their traditional core campuses, with more substantial campus additions adjacent to mixed-use areas and scaling down adjacent to traditional residential neighborhoods.

The major institutions, including Lesley University, Harvard University, the Massachusetts Institute of Technology, other educational institutions, and hospitals, should be limited to those areas that historically have been occupied by such uses and to abutting areas that are reasonably suited to institutional expansion, as indicated by any institutional overlay district formally adopted by the City.

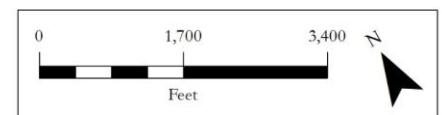
Parcels with Institutional Land Use Description

Cambridge, Massachusetts



Select Zoning

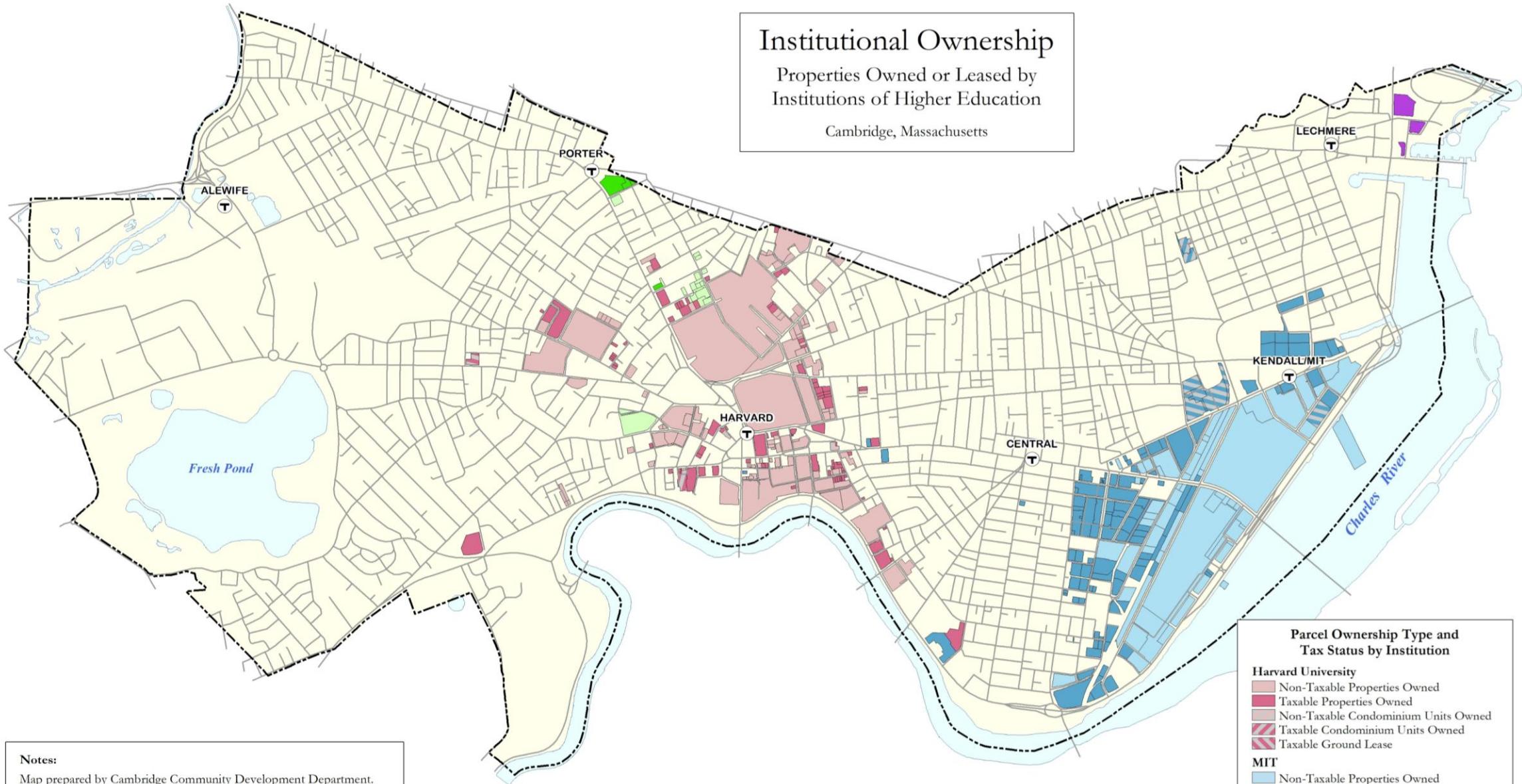
- Institutional Zoning Overlay Districts
- Residence C-1 Zoning Districts



Institutional Ownership

Properties Owned or Leased by
Institutions of Higher Education

Cambridge, Massachusetts

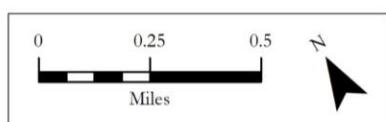


Notes:

Map prepared by Cambridge Community Development Department. Ownership information based on Cambridge Assessing Department data for FY2025, and the annual Town Gown Report of each institution through 2025.

A number of institutional parcels combine taxable and non-taxable uses. In most cases, parcels with any taxable components are displayed as taxable properties.

For condominiums, the entire property is highlighted although the ownership interest may be partial.



Parcel Ownership Type and Tax Status by Institution

Harvard University

- Non-Taxable Properties Owned
- Taxable Properties Owned
- Non-Taxable Condominium Units Owned
- Taxable Condominium Units Owned
- Taxable Ground Lease

MIT

- Non-Taxable Properties Owned
- Taxable Properties Owned
- Taxable Condominium Units Owned
- Taxable Ground Lease

Lesley University

- Non-Taxable Properties Owned
- Taxable Properties Owned

Hult International Business School

- Properties Leased by Institution

Religious Uses

Zoning Considerations

- Under current Mass. law, can regulate dimensions but not use
- Additional protections under federal RLUIPA laws
- Currently no Institutional Use Overlay Districts for religious use

Recent Zoning Amendment

- Marasao, et al., Zoning Amendment (2025) set dimensional regulations for religious uses to be the same as residential (Section 5.30)

Universities and Other Education (non-profit)

Frequent Planning Topics

- Housing for students and affiliates
- Programming for campus and larger community
- Transportation management
- Taxable property base

Future Zoning Considerations

- Under current law, can regulate dimensions but not use
- Could use incentives to support goals: e.g. campus infill vs. expansion, encourage housing and other community-supportive uses
- Potential for seeking additional legislative action

Other Uses

Institutional Uses Not “Dover-Protected”

- Private for-profit educational uses (K-12, higher ed, vocational)
- Health care
- Social/community services
- Local government
- Fraternal organizations, cemeteries, museums, &c.

Future Zoning Considerations

- What planning goals inform how to regulate or restrict these uses?
- Do these need an “IUR” zoning approach? (No current Institutional Use Overlay Districts for these uses, except health care)



Discussion