County of Fairfax, Virginia
Planning Commission Meeting
February 25, 2026
Planning Commission Action

PROPOSED ZONING ORDINANCE AMENDMENT – CONGREGATE LIVING FACILITIES
(Countywide)

PLANNING COMMISSION RECOMMENDATIONS:
On February 25, 2026, the Planning Commission voted 11-0 (Commissioner Hancock was absent from the meeting) to recommend to the Board of Supervisors adoption of the proposed Zoning Ordinance Amendment for Congregate Living Facilities as set forth in the Staff Report dated January 13, 2026, and that the amendment become effective at 12:01 a.m., the day following adoption.

ATTACHED DOCUMENTS:
Staff Report dated January 13, 2026

CD

FAIRFAX COUNTY

PROPOSED ZONING ORDINANCE AMENDMENT

STAFF REPORT
Congregate Living Facilities

January 13, 2026

Hearing Dates
Planning Commission: February 25, 2026, at 7:30 p.m.
Board of Supervisors: March 17, 2026, at 4:00 p.m.

Staff Contact
Jennan Qato, Senior Planner

Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call 703-324-1334 or TTY 711 (Virginia Relay Center).

PLANNING & DEVELOPMENT

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Introduction

The Zoning Ordinance Work Program (Work Program), endorsed by the Board of Supervisors (Board) on June 24, 2025, lists Congregate Living Facilities as a Priority 1 item (Topic #5). This item directs staff to review zoning provisions for congregate living facilities to potentially expand the zoning districts where congregate living facilities are permitted and to broaden the definition. This item was carried over from the 2023/2024 Work Program Topic 2B and the December 6, 2022, Board matter. The Work Program item is also a response to a Board Housing Committee meeting on November 22, 2022, which discussed zoning considerations to address the issue of people experiencing homelessness.

Background and Existing Provisions

The Zoning Ordinance currently classifies a congregate living facility as a residential use within the group living category. A congregate living facility provides housing and supportive services to individuals requiring such services and is distinguished from other similar uses, as shown in Table 1 below, by allowing larger residential capacities, permitting a broader range of support services without restrictions relating to age or medical condition, and serving a wider range of populations. A homeless shelter, supportive housing, or other similar facility that is operated by the County and meets the definition of a public use is not considered a congregate living facility.

Existing Provisions

The Zoning Ordinance currently defines a congregate living facility as follows:

> A facility that provides housing and general care on a permanent or temporary basis, including the provision of on-site supportive services, such as special care and treatment, in a supervised setting with on-site counselors or other staff. This use includes facilities providing in-patient alcohol and addiction treatment and services and facilities for the care of more than eight persons with disabilities. This term does not include a group household unit, group residential facility, assisted living facility, specialized instruction center, or any facility providing services or treatment to nonresidents of the facility.

A congregate living facility is permitted with special exception (SE) approval by the Board of Supervisors (Board) in all conventional residential districts except for the R-A (Rural Agricultural) District, and in some commercial districts (C-1 through C-4). A congregate living facility is permitted in the planned districts if shown on a development plan or by SE (✓/SE).

Under the use standard found in subsection 4102.3.E, a congregate living facility that has the external form and character typical of a single-family detached dwelling must comply with the setback requirements for a single-family detached dwelling in the zoning district in which it is located; any other congregate living facility must be located at least 100 feet from any lot line that abuts the R-1, R-2, R-3, or R-4 District and 45 feet from any other lot line, or as determined by the Board. The use is also subject to the maximum floor area ratio of the applicable zoning district.

Tables 1 and 2 below provide a summary of the features of a congregate living facility as compared to other similar uses in the Zoning Ordinance.

Table 1: Comparison of Similar Uses

Use	Type of Support	Zoning Permissions	Key Distinctions
Congregate Living Facility	On-site supportive services in a supervised setting; includes in-patient alcohol and addiction treatment and the care of more than eight persons with disabilities	SE in R-C to R-MHP and C-1 to C-4; ✓/SE in PDH, PRM, PDC, PTC, and PCC; ✓/SE in PRC except convention/conference center	Addresses a broad range of populations needing care; allows more than 8 residents; not specifically age or disability based
Group Residential Facility	Facility with up to 8 residents that is (i) state licensed by VDBHDS and residents have mental illness, intellectual or developmental disabilities; (ii) state licensed by VDSS and residents are aged, infirm, or disabled; or (iii) not licensed and residents have a disability; includes on-site staff; does not include treatment for those currently using or addicted to a controlled substance.	Permitted in all districts where residential uses are allowed by right in accordance with Va. Code § 15.2-2291	Typically state-licensed, but license isn't required when occupied by up to 8 disabled residents; protected as a by-right residential use under state code; facilities exceeding 8 residents or not meeting these criteria are considered a congregate living facility

Use	Type of Support	Zoning Permissions	Key Distinctions
Assisted Living Facility	Licensed supervised residential care with daily living assistance; includes facilities for memory care	SE in R-E to R-MHP; SE in C-1 to C-8, SE in I-2 to I-6; ✓/SE in PDH, PRM, PDC and PTC; ✓/SE in PRC except convention/ conference center; type of medical care facility	Licensed medical facility; includes memory care services for older adults or persons with disabilities who are unable to live independently
Independent Living Facility	Residential development with services for older adults or persons with disabilities (e.g., meals, recreation, emergency systems) with on-site staff	SE in R-E to R-MHP and C-1 to C-4; ✓ in PDH, and PRM, ✓/SE in PRC except convention/conference center, ✓/SE in PTC	Limited to older adults or persons with disabilities
Group Household	Shared living among 5-10 unrelated people or a family with more than two roomers/boarders in a single household.	SP in R-E to R-MHP; ✓/SE in PDH, PDC and PTC; ✓/SE in PRC except convention/ conference center	No on-site services

Table 2: Key differences between similar uses

Key Element	Congregate Living Facility	Group Residential Facility	Assisted Living Facility	Independent Living Facility	Group Household
Supervised setting	Yes (except recovery residences)	Varies	Yes	No	No
On-site services	Yes	Varies	Yes	Yes	No
State licensing required	Varies	Yes	Yes	No	No
Population served	Broad range of populations needing supportive services	Elderly or persons with disabilities	Older adults or adults needing daily assistance	Older adults or persons with disabilities	General population
Number of residents	May exceed 8	Up to 8	No fixed maximum	No fixed maximum	5-10

Overall, congregate living facilities provide the broadest range of support and may serve a larger number of residents. By contrast, group residential facilities serve a limited number of residents, assisted living facilities serve older adults or persons with disabilities, independent

living facilities offer residential communities with optional services for older adults or persons with disabilities, and group households function as shared housing with no provided services.

Zoning Ordinance History and Recent Approvals of Congregate Living Facilities

Congregate living facilities were added as a use in the Zoning Ordinance through a Zoning Ordinance amendment approved on May 19, 2003, which redefined and renamed the previous use of "institutions providing housing and general care to the indigent, orphans, and the like." The term was updated to remove outdated language and to reflect the broader range of support services that could be provided in a congregate living facility. The amendment retained the special exception standards for the use related to setbacks. The definition and standards were carried forward with the adoption of the new Zoning Ordinance in 2021, with minor edits for plain language.

Since the 2003 Zoning Ordinance Amendment referenced above, six SE applications have been approved as detailed in Table 3:

Table 3: Recent Approvals of Congregate Living Facilities

Application Number	Approval Date	Zoning District	Population Served	Number of Residents/Staff
SE 2022-SU-00004	April 22, 2025	R-C	Survivors of human trafficking	12 (including two resident staff)
SE-2022-BR-00042	September 12, 2023	R-3	Women escaping domestic violence	7 residents (including one resident staff)[1]
SE 2021-SP-00023	August 2, 2022	R-C, WS	Adolescents with eating disorders	12 residents, 12 nonresident staff
SE 2019-SP-006	July 30, 2019	R-C, WS	Adolescents with eating disorders	12 residents, 12 nonresident staff
SE-2014-MA-003	July 29, 2014	R-2, HC	Women survivors of domestic violence and their children	16 residents (including children and one resident staff)
SE-2006-MA-031; SEA 2006-MA-031 (SEA to permit addition of nursery to church)	June 4, 2007; May 14, 2013	R-4	Retired and current priests and church staff	21 residents (including one resident staff), 3 nonresident staff

[1] Although this facility is limited to seven residents, the use does not otherwise meet the definition of a group residential facility, since state licensure is not required and the facility was not proposed to be occupied by persons with a disability.

Jurisdictional Research

Staff researched the zoning regulations relating to congregate living facilities, including shared housing and supportive services, in neighboring jurisdictions. That research is summarized in the table below.

Across the jurisdictions reviewed, congregate living uses that provide on-site supportive services are generally permitted in a range of commercial, industrial, mixed-use, and residential districts, with most requiring a public hearing. Loudoun County and Prince William County allow the use by right in some of their mixed-use areas, while otherwise requiring a public hearing. In Montgomery County, the use is allowed by right for up to eight residents in all residential, commercial/residential and some employment zones; see below for permissions for more than eight residents. Other than Montgomery County, none of the jurisdictions specify an occupancy limit for the uses listed below. Overall, the prevailing approach is to permit these uses in multiple districts while maintaining oversight through a legislative approval process.

Table 4: Comparable Uses in Neighboring Jurisdictions

Jurisdiction	Comparable Use	Permissions	Definition
City of Alexandria	Congregate housing facility	Allowed in most **commercial and mixed-use districts** with a **special use permit** (public hearing required)	A structure other than a single-unit, two-unit, townhouse, or multi-unit dwelling where unrelated persons reside under supervision or 24-hour on-site management and may receive special care, treatment or training, on a temporary or permanent basis.
Loudoun County	Congregate housing	**By right** in most **Transit Related Center and Town Center districts;** requires **special exception** approval, (public hearing by the Board of Supervisors) in **Suburban Neighborhood and Suburban Compact Neighborhood** districts	Establishments providing housing services such as: (A) emergency shelter for victims of violence/abuse; (B) temporary shelter for homeless/runaway youths/medical crises; (C) transitional housing; (D) more than 8 aged, infirm, or disabled residents; or (E) other facilities for care, treatment, training, including orphanages.
Arlington County	Social Service Institution	Allowed with a **use permit** (public hearing by the Board of Zoning Appeals) in **most residential, commercial, and all industrial districts**	Includes: alternative/post-incarceration facilities; counseling; occupational therapy; psychiatric/alcohol/drug treatment residences; halfway houses; neighborhood resource centers; rehabilitative clinics; rescue missions; soup kitchens; transient lodging or homeless shelters; treatment centers.

Jurisdiction	Comparable Use	Permissions	Definition
Arlington County	Group Home	Allowed with a **use permit** in **all residential and industrial** districts and in **most commercial** districts	A residential facility for more than eight individuals with mental illness, an intellectual disability, or a developmental disability, with one or more resident or nonresident staff.
Montgomery County, MD	Residential Care Facility	Categorized by size: (a) **Up to 8 residents:** permitted **by right** in all residential, commercial/residential, and some employment zones; (b) **9 to 16 residents: Conditional use** (public hearing) in low-density residential, by right in multi-unit and some commercial/ residential, **Limited use** (no public hearing but includes additional standards) in some employment zones; (c) **16+ residents: Conditional use** in all residential, by right in commercial/ residential, **Limited use** in other commercial/residential; not permitted in industrial zones	Group-care arrangement providing personal services, supervision, or assistance for daily living. Must meet applicable federal/state/county licensing. Staff may live on-site. Resident count includes staff. Includes nursing homes, assisted living, continuing care communities, hospices, group residential facilities. Excludes hospitals or independent living facilities.
Prince William County, VA	Recovery Home	Allowed with a **special use permit**, requiring a public hearing by the Board of County Supervisors, in all **residential and agricultural districts** and in residential areas of the **Planned Mixed Residential District**; permitted **by right** in **mixed-use community and mixed-use urban districts**	Use of single-family dwelling to provide group residence for persons needing special accommodations (e.g., battered spouses, children in need). Conditions: (a) Dwelling exterior must maintain single-family appearance; (b) At least one adult supervisor on-site at all times; (c) No more than two adults per bedroom. Does not include group homes as defined by Code of Virginia, § 15.2-2291.

Community Outreach

Staff provided an overview of the proposed updates for congregate living facilities to the Board's Land Use Policy Committee, the Planning Commission's Land Use Process Review Committee, the Health Care Advisory Board, the Affordable Housing Advisory Council, and a land use attorneys work group. Staff additionally consulted with other County agencies and community organizations involved in housing and human services. Staff also hosted two virtual community meetings, which were recorded and posted on the Congregate Living Facilities Zoning Ordinance Amendment webpage. Throughout the amendment process, the webpage was updated to include the staff summary, draft text, and presentation materials.

Proposed Zoning Ordinance Changes

The proposed amendment updates the definition, use permissions, development standards, and submission requirements for congregate living facilities, as discussed below. The intent of these changes is to provide greater flexibility and access to housing for individuals in need of supportive services while maintaining compatibility with surrounding land uses.

Definition

The proposed amendment includes a revised definition that clarifies the range of populations served, to include persons experiencing homelessness; survivors of domestic violence, sexual assault, or child abuse; youth in crisis; and individuals in need of behavioral health or mental health services. The proposed definition also includes facilities that do not meet the requirements of Va. Code Sect. 15.2-2291 due to the type(s) of provided services and/or the number of residents. These clarifications align with existing congregate living facilities, distinguish them from other similar uses, and reflect the breadth of populations these facilities may serve. Also, the term "youth in crisis" is not intended to be age restrictive but rather refers to children aging out of the foster care system, runaways, youth experiencing homelessness, and others in similar crises. The proposed definition also specifies that a recovery residence, which is defined in Va. Code Sect. 37.2-431.1, may be considered a congregate living facility but is not required to provide on-site supportive services or staff. This reflects state law, which does not require recovery residences to provide on-site staff or supportive services.

The proposed definition also distinguishes a congregate living facility from other uses by specifying that it does not include any use that meets the definition of a group household, group residential facility, independent living facility, medical care facility, or any facility providing services or treatment to nonresidents of the facility. Although a congregate living facility may include mental and medical health services, it is distinguished from a medical care facility in that it is principally a residential use that provides temporary or permanent housing with supportive services.

Use Permissions

The amendment also proposes to expand where congregate living facilities may be located (with a special exception) by adding certain industrial districts and additional commercial districts. This expansion aims to provide greater siting flexibility, which may be beneficial for providers seeking larger sites, more affordable land, or locations near transit and community services, and may also support the adaptive reuse of vacant buildings. In nonresidential districts, the use is currently allowed with SE approval in the C-1 to C-4 Districts; this amendment would expand those same permissions (SE approval) into the C-5 to C-8 Districts and I-2 to I-4 Districts (with certain exclusions, discussed below). In an effort to ensure these facilities are located in areas compatible with residential uses, the amendment does not extend permissions to the I-5 and I-6 industrial districts. There are no changes proposed to the permissions for congregate living facilities in Planned Districts.

Use Specific Standards

The proposed use standards would require congregate living facilities in commercial and industrial districts to be located within a reasonable distance of employment areas and community services. The standards would also prohibit them in areas identified as Industrial (areas 30, 31, and 32) on the Concept for Future Development map in the Comprehensive Plan. These standards would ensure compatibility with surrounding uses, ensure that residents have access to essential resources, and maintain harmony with the Comprehensive Plan. Prohibiting congregate living facilities in areas identified as Industrial on the Concept for Future Development map would also support the retention of industrial land, as recommended in the 2024 Industrial Land Trends report, and would generally limit congregate living facilities to locations in I districts that are planned for mixed use centers.

The proposed use standards also include a requirement to provide on-site staff and support services (except in a recovery residence). These requirements would help to ensure that the residents receive the necessary supervision, support, and assistance to improve outcomes.

Submission Requirement

Applicants would be required to provide sufficient details regarding the proposed operation of the congregate living facility. This would include information about the population that would be served and how their specific needs would be met. This information would clarify the purpose and scope of the proposed congregate living facility and confirm how the use is designed to meet the specific needs of its residents. It would also include the necessary information to assess potential land use impacts.

Summary

Overall, the proposed amendment clarifies the definition of congregate living facility by identifying potential populations that may be served and broadens where these facilities can be located by allowing them in additional nonresidential zoning districts. This expansion is paired with clear standards to ensure that proposed locations are suitable for permanent or temporary residential use, including proximity to public transit and essential services. The intent is to encourage more diverse housing options while maintaining compatibility with surrounding land uses. It is recommended that the amendment become effective at 12:01 a.m. on the day following adoption.

Proposed Text

In the revisions shown below, text to be deleted is identified with ~~strike-through~~ and text to be added is underlined. The proposed changes are based on provisions of the adopted Zoning Ordinance in effect as of December 10, 2025.

Revise the definition of congregate living facility in Section 9103 with the following text shown below.

Congregate Living Facility

A facility that provides housing~~, and general care,~~ and on-site supportive services on a permanent or temporary basis~~including the provision of on-site supportive services, such as special care and treatment~~, in a supervised setting with on-site counselors or other staff. This use ~~includes facilities providing in-patient alcohol and addiction treatment and services and facilities for the care of more than eight persons with disabilities.~~ is occupied by individuals in need of such services, including but not limited to: (a) survivors of domestic violence, sexual assault, or child abuse; (b) persons experiencing homelessness; (c) youth in crisis; or (d) patients and families in need of behavioral health or mental health services. This use includes a facility that does not meet the requirements of Va. Code Sect. 15.2-2291 due to the services provided and/or the number of residents. This use also includes a recovery residence, as defined in Va. Code Sect. 37.2-431.1, that does not meet the definition of a group residential facility; such a facility is not required to provide on-site supportive services or staff. This ~~term~~ use does not include a group household ~~unit~~, group residential facility, independent living facility, medical care facility, ~~assisted living facility, specialized instruction center,~~ or any facility providing services or treatment to nonresidents of the facility.

Revise Table 4101.1 to include permissions for congregate living facilities in the C-5, C-6, C-7, C-8, I-2, I-3, and I-4 Districts.

3. Use Table for Residential, Commercial, and Industrial Districts

TABLE 4101.1: Use Table for Residential, Commercial, and Industrial Districts

P = permitted; SE = special exception; SP = special permit; blank cell = not allowed
A = allowed as accessory use only; A+ = permitted as an associated service use; AP = allowed with approval of administrative permit

Use	Residential Districts														Commercial Districts								Industrial Districts						Use-Specific Standards NOTE: General Standards also apply
	R-A	R-C	R-E	R-1	R-2	R-3	R-4	R-5	R-8	R-12	R-16	R-20	R-30	R-MHP	C-1	C-2	C-3	C-4	C-5	C-6	C-7	C-8	I-1	I-2	I-3	I-4	I-5	I-6	
Residential Uses																													
Group Living: uses characterized by residential occupancy by a group of persons who do not constitute a household																													
Congregate Living Facility		SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE		SE	SE	SE			4102.3.E

Revise subsection 4102.3.E to update the use-specific standards for congregate living facilities approved by special exception.

E. Congregate Living Facility

Standards when permitted by special exception:

(1) If a~~A~~ congregate living facility ~~that~~ has the external form and character typical of a single-family detached dwelling, it must comply with the setback requirements for a single-family detached dwelling in the zoning district in which it is located. Any other congregate living facility must be located: ~~a minimum~~ at least 100 feet from ~~all~~ any lot line~~s~~ that abut~~s~~ the R-1, R-2, R-3, or R-4 District~~s~~ and 45 feet from ~~all~~ any other lot line~~s~~~~;~~, or as determined by the Board.

(2) A congregate living facility may not be located in an industrial area as shown on the Concept for Future Development map in the Comprehensive Plan.

(3) In commercial districts and in the I-2, I-3, and I-4 Districts, a congregate living facility must be located where public transportation and community services are within reasonable walking distance and employment areas are within reasonable commuting distance.

(4) A congregate living facility must provide on-site staff and on-site support services to meet the needs of the residents, except as otherwise stated in the definition. These services may include, but are not limited to, transportation assistance, employment support, case management, and healthcare services.

Revise subsection 8101.3.D to include additional submission requirements for congregate living facilities approved by special exception. Renumber subsequent subsections.

D. Additional or Modified Submission Requirements for Specific Special Exception Applications

(7) Congregate Living Facility

The application must identify the primary population(s) served and describe how the facility will meet the needs of that group or groups by providing the following information:

(a) The maximum number of residents and on-site staff at the facility;

(b) The types of supportive services to be provided;

(c) Typical length of stay;

(d) Evidence of licensing if required by state code; and

(e) Intake criteria for residents.