

COTTAGE FOOD LAW REPORT

Fairfax city

Virginia · Fairfax · FIPS 51600 · Population 24,242 · Crosodo
Index #2165*

STATE BASELINE

Va. Code §3.2-5130 (HB 402 / 2026 c. 605)

STATE TIER

Good

ANNUAL SALES CAP (STATE)

Tiered

CONFIDENCE

HIGH

LAST VERIFIED

2026-08-19

IMPORTANT — NOT LEGAL ADVICE

This report compiles publicly-available statutes, regulations, and county zoning rules into a research reference. It is **not legal advice** and is provided **without warranty** as to accuracy, completeness, or current applicability.

Cottage food law changes frequently. Counties may amend zoning, health departments may issue new permits, and state legislatures may update statutes after the publication date shown above.

Always verify rules directly with your state department of health/agriculture and your county health and planning offices before relying on them for any business or regulatory decision. Consult a licensed attorney for advice specific to your situation.

How to start — 60-second path

Fairfax city, Virginia — permit, pickup, and label steps before the full county rules.

HOME KITCHEN ALLOWED?

Yes

STATE SALES CAP

Tiered

HOME OCCUPATION PERMIT?

Yes

ON-SITE / PORCH PICKUP?

Check zoning

INSPECTION

No

PETS

No specific state cottage food pet restriction.

BEFORE YOU SELL FROM THIS ADDRESS

- ☐ **1. Menu** — Confirm each product under Virginia cottage food rules (county cannot expand a state ban).
- ☐ **2. Pickup & zoning** — Home occupation and porch pickup cells above; HOA/lease may still block customer traffic.
- ☐ **3. Local tax / license** — Business license or sales tax certificate if your city/parish requires it (common even with no state food permit).
- ☐ **4. Training** — Food handler or state registration before market day.
- ☐ **5. Labels** — Disclaimer, allergens, ingredients, net quantity, producer info.
- ☐ **6. Call if unclear** — County health and planning for your exact address.

LABEL FIELDS TO INCLUDE

- ☐ Product name · producer name · address (or allowed alternative)
- ☐ Ingredients by weight · major allergens · net weight/quantity
- ☐ Virginia home-kitchen disclaimer (see live label one-pager)

CONTINUE ONLINE

[Open the live county page →](#)

[Virginia label one-pager →](#)

[Print labels for your first market →](#)

[Local notes & questions →](#)

Planning path only — not legal advice. Rules change. Always verify with state and local offices before selling.

VIRGINIA: FAIRFAX CITY

CROSODO INDEX #2165* · FIPS 51600 · Fairfax

Fairfax city

Population 24,242 · State baseline: Va. Code §3.2-5130 (HB 402 / 2026 c. 605) · **HIGH****QUICK VIEW FOR BAKERS IN THIS COUNTY****HOME KITCHEN ALLOWED?**

Yes (Independent City of Fairfax (not Fairfax County). Virginia Home Kitchen Food Processing Exemption (Va. Code §3.2-5130 as amended by HB 402, effective July 1, 2026) still applies: no VDACS permit, registration, or routine inspection for exempt non-TCS foods; online/phone sales and in-state delivery/shipping allowed; no resale, restaurants, or out-of-state sales. Locally, a Minor Home Occupation (Residential Accessory Use Permit) is required before the City business license. The City flowchart treats home-based commercial kitchens as MHO; the prohibited-HO list includes restaurant or food services — flag this so bakers are not classed as a restaurant. No published City cottage-food health pathway; FCHD inspects food establishments in the City but its cottage-food instructions assume a County HBB.)

SEPARATE KITCHEN REQUIRED?

No

PETS ALLOWED?

No specific state cottage food pet restriction.

HOME OCCUPATION PERMIT?

Yes (The City of Fairfax is an independent city. Fairfax County's PLUS HBB program, \$140 fee, and County Food Code do not apply. Before a business license, apply for a Minor Home Occupation as a Residential Accessory Use Permit in the City Accela portal. The City's business-license flowchart lists "home-based commercial kitchens" as a Minor Home Occupation example. City Code §110-3.5.5.D.12 prohibits a home occupation that is a restaurant or food services or food-related heavy manufacturing — cottage bakers should be classed as an MHO kitchen, not a restaurant. MHO rules: household members only; ≤20% of the first floor; no accessory structures; no public advertising of the street address; traffic must stay residential. No published food supplemental form or photo checklist. The FY2025–2026 fee table lists Residential Use and Occupancy (including accessory uses) at \$35 — confirm with Zoning that this is the MHO fee. Major Home Occupation is a City Council special use permit and cannot sell merchandise in the dwelling — the wrong path for a cottage baker. Contact Planning/Zoning at Zoning@fairfaxva.gov or 703-385-7820.)

ON-SITE / PORCH PICKUP?

Check zoning

INSPECTION REQUIRED?

No (No published City cottage-food health inspection or product-registration pathway. FCHD inspects food establishments in the County and the Cities of Fairfax and Falls Church, but FCHD cottage-food instructions assume a County HBB. VDACS may inspect upon consumer complaint. Confirm any City health step with FCHD and City Zoning.)

Home kitchen rules

HOME KITCHEN ALLOWED	Yes — Independent City of Fairfax (not Fairfax County). Virginia Home Kitchen Food Processing Exemption (Va. Code §3.2-5130 as amended by HB 402, effective July 1, 2026) still applies: no VDACS permit, registration, or routine inspection for exempt non-TCS foods; online/phone sales and in-state delivery/shipping allowed; no resale, restaurants, or out-of-state sales. Locally, a Minor Home Occupation (Residential Accessory Use Permit) is required before the City business license. The City flowchart treats home-based commercial kitchens as MHO; the prohibited-HO list includes restaurant or food services — flag this so bakers are not classed as a restaurant. No published City cottage-food health pathway; FCHD inspects food establishments in the City but its cottage-food instructions assume a County HBB.
SEPARATE DEDICATED KITCHEN	No
PET RESTRICTIONS	No specific state cottage food pet restriction.
WATER SUPPLY	No specific state cottage food water testing requirement.
HANDWASHING	No specific state cottage food handwashing mandate.
FOOD STORAGE	Non-TCS shelf-stable foods only.

Inspection & permitting

INSPECTION REQUIRED	No — No published City cottage-food health inspection or product-registration pathway. FCHD inspects food establishments in the County and the Cities of Fairfax and Falls Church, but FCHD cottage-food instructions assume a County HBB. VDACS may inspect upon consumer complaint. Confirm any City health step with FCHD and City Zoning.
HOME OCCUPATION PERMIT	Yes — The City of Fairfax is an independent city. Fairfax County's PLUS HBB program, \$140 fee, and County Food Code do not apply. Before a business license, apply for a Minor Home Occupation as a Residential Accessory Use Permit in the City Accela portal. The City's business-license flowchart lists "home-based commercial kitchens" as a Minor Home Occupation example. City Code §110-3.5.5.D.12 prohibits a home occupation that is a restaurant or food services or food-related heavy manufacturing — cottage bakers should be classed as an MHO kitchen, not a restaurant. MHO rules: household members only; ≤20% of the first floor; no accessory structures; no public advertising of the street address; traffic must stay residential. No published food supplemental form or photo checklist. The FY2025–2026 fee table lists Residential Use and Occupancy (including accessory uses) at \$35 — confirm with Zoning that this is the MHO fee. Major Home Occupation is a City Council special use permit and cannot sell merchandise in the dwelling — the wrong path for a cottage baker. Contact Planning/Zoning at Zoning@fairfaxva.gov or 703-385-7820.
LOCAL BUSINESS LICENSE	Yes

Customer-facing rules

ON-SITE CUSTOMER PICKUP	Check zoning
ON-SITE SIGNAGE	No
DELIVERY / PICKUP RULES	State HB 402 allows online/phone sales and in-state delivery or shipping. City MHO: no public advertising of the street address; traffic must stay residential. The City has not published a food-specific porch-pickup ban like the County. Confirm customer visits with Zoning before advertising house pickup. No resale, restaurants, or out-of-state sales under state law.
MAX EMPLOYEES IN HOME	Household members only (Minor Home Occupation)

Relevant county code

City of Fairfax Code §110-3.5.5.D.12 (prohibited home occupations, including restaurant or food services); Minor Home Occupation / Residential Accessory Use Permit

RESEARCH NOTES

City of Fairfax is an independent city, not part of Fairfax County. County HBB / PLUS / County Food Code do not apply; City MHO does not apply in the County. Minor Home Occupation (Residential Accessory Use Permit) is required before the business license (license within 30 days). Accela portal for the City; Zoning at Zoning@fairfaxva.gov / 703-385-7820. Flowchart example: home-based commercial kitchens. City Code §110-3.5.5.D.12 prohibits restaurant or food services as a home occupation — bakers should use the MHO kitchen path, not Major HO (City Council SUP; cannot sell merchandise in the dwelling). Fee table lists Residential Use and Occupancy including accessory uses at \$35 (confirm if that is MHO). No published City cottage-food health form; FCHD inspects food establishments in the City of Fairfax and Falls Church as well as the County, but cottage-food guidance assumes a County HBB. Neither place is "just follow the state exemption."

SOURCES VERIFIED AT RESEARCH TIME

<https://www.fairfaxcounty.gov/health>

<https://www.fairfaxva.gov/Property-Business/Development/Zoning>

<https://www.fairfaxva.gov>

<https://aca-prod.accela.com/FAIRFAX/Welcome.aspx>

<https://www.fairfaxva.gov/Property-Business/Development/Zoning>

<https://www.fairfaxva.gov/Property-Business/Permit-License-Hub/Permit-Applications/Business-Licenses>

<https://www.fairfaxva.gov/Property-Business/Permit-License-Hub/Permit-Applications/Residential-Accessory-Use-Permit>

<https://www.fairfaxva.gov/Government/Departments/Community-Development-and-Planning/Development-and-Zoning-Fees>

<https://www.fairfaxva.gov/files/assets/city/v/1/permitting/documents/flowcharts-and-guides/flowchart-commercial-no-site-plan.pdf>

<https://www.fairfaxcounty.gov/health>

<https://law.lis.virginia.gov/vacode/title3.2/chapter51/section3.2-5130/>

<https://lis.virginia.gov/bill-details/20261/HB402>

Questions about this county? Local notes and a place to leave a question: crosodo.com/nb/virginia/fairfax-city-discuss

Fairfax city and nearby places

Regulation	Fairfax city	Fairfax County	Falls Church city
HOME KITCHEN ALLOWED	Yes	Yes	Yes
SEPARATE DEDICATED KITCHEN	No	No	No
PETS ALLOWED	No specific state cottage food pet restriction.	State baseline applies	No specific state cottage food pet restriction.
INSPECTION REQUIRED	No	Upon-complaint	No
ON-SITE CUSTOMER PICKUP	Check zoning	No	Yes
ON-SITE SIGNAGE	No	No	Conditional
DELIVERY / PICKUP	State HB 402 allows online/ phone sales and in-state delivery or shipping. City MHO: no public advertising of the street address; traffic mu...	Zoning §4102.7.H: sale and delivery of home-based food and small-scale production items must occur exclusively online or off-site. On-site ...	Direct sales only at home, farmers markets, or temporary events (up to 14 consecutive days). No online ordering, no shipping, no wholesale.
HOME OCCUPATION PERMIT	Yes	Yes	Likely
LOCAL BUSINESS LICENSE	Yes	Yes	Likely
RESTRICTIONS	Independent City of Fairfax (not Fairfax County). Virginia Home Kitchen Food Processing Exemption (Va. Code §3.2-5130 as amended by HB 402,...	Fairfax County requires a Home-Based Business Permit with a Home-Based Food Production Supplemental Form for all home-based food operations...	Virginia Home Kitchen Food Processing Exemption (Va. Code §3.2-5130) permits direct-to-consumer sale of non-TCS shelf-stable foods from a p...
FOOD STORAGE	Non-TCS shelf-stable foods only.	State baseline applies	Non-TCS shelf-stable foods only.
POPULATION	24,242	1,145,354	14,576

State context — Virginia cottage food law

Fairfax city's rules sit on top of Virginia's state cottage food framework. The state law sets the floor — counties can add but cannot remove protections.

STATUTE

Va. Code §3.2-5130 (HB 402 / 2026 c. 605)

ANNUAL SALES CAP

Tiered

REGISTRATION REQUIRED

No

FOOD HANDLER CERT

No

KITCHEN INSPECTION

No

DIRECT SALES ONLY

Yes

INDIRECT SALES

No — As amended by HB 402 (Acts of Assembly 2026 Ch. 605), effective July 1, 2026: exempt foods may be sold at any location, through the internet, or by phone to an individual in Virginia for their own consumption, and delivered in person, by mail, or by delivery service in Virginia. Still no resale, consignment, restaurants, retail food establishments, or out-of-state sales. Local zoning still applies. The VDACS home-food-processor FAQ PDF is stale (still says no online sales); the statute controls. <https://lis.virginia.gov/bill-details/2026/HB402>

For the full state-level analysis including the verbatim statute text, see the [Virginia cottage food law report](#) on Crosodo, or open the live guide: crosodo.com/states/virginia.

STATE-LEVEL REFERENCES

State statute: <https://law.lis.virginia.gov/vacode/title3.2/chapter51/section3.2-5130/>

State dept cottage food page: <https://www.vdacs.virginia.gov/food-information-for-vendors-and-businesses-home-food-processors.shtml>

Forrager.com: <https://forrager.com/law/virginia/>

Questions about Fairfax city? Local notes and a place to leave a question are on Crosodo. We monitor new threads — start with zoning, permits, or porch pickup.

crosodo.com/nb/virginia/fairfax-city-discuss

Classifieds

Resources for cottage food & home bakers · crosodo.com/advertise

NATIONAL

SUPPLIES

Advertise here — Supplies

Reach home bakers across the country. crosodo.com/advertise

COURSES

Advertise here — Courses

Reach home bakers across the country. crosodo.com/advertise

INSURANCE

Advertise here — Insurance

Reach home bakers across the country. crosodo.com/advertise

LOCAL

Advertise here

Reach home bakers in Fairfax city, Virginia. Supply stores, farmers markets, kitchen rentals, and bakery services welcome.

crosodo.com/advertise

Your business here

Local cottage food listings, kitchen rentals, co-packer referrals, and community events — post yours on Crosodo.

crosodo.com/nb/virginia/fairfax-city-discuss

Free ad space available

Let us know if you're a non-profit or community organization. Farmers markets, kitchen rentals, and cottage food events near you welcome.

Ads are paid placements. Crosodo does not endorse listed vendors. Verify all information independently. · To advertise: crosodo.com/advertise