

COTTAGE FOOD LAW REPORT

Fairfax County

Virginia · — · FIPS 51059 · Population 1,145,354 · Crosodo
Index #2776*

STATE BASELINE	STATE TIER	ANNUAL SALES CAP (STATE)	CONFIDENCE	LAST VERIFIED
Va. Code §3.2-5130	Good	Tiered	HIGH	2026-05-05

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.

VIRGINIA: FAIRFAX COUNTY

CROSODO INDEX #2776* · FIPS 51059 · —

Fairfax County

Population 1,145,354 · State baseline: Va. Code §3.2-5130 · **HIGH**

QUICK VIEW FOR BAKERS IN THIS COUNTY

HOME KITCHEN ALLOWED?

Yes (Fairfax County requires a Home-Based Business Permit with a Home-Based Food Production Supplemental Form for all home-based food operations. Small-scale food production is listed as a permitted home-based use in residential districts; however, sale and delivery must occur exclusively online or off-site (no on-site retail sales or customer pickup). The home occupation area cannot exceed 400 sq ft. Operators must also comply with VDACS and Fairfax County Health Department (FCHD) regulations.)

SEPARATE KITCHEN REQUIRED?

No

PETS ALLOWED?

State baseline applies

HOME OCCUPATION PERMIT?

Yes (Fairfax County requires a Home-Based Business Administrative Permit (zoning approval) for cottage food operations, plus a Home-Based Food Production Supplemental Form. A business license must be filed within 75 days of starting. Contact Zoning Permits Section at 703-222-1082. Home occupation area limited to 400 sq ft; no more than 1 non-resident employee (for single-family detached, 7am-6pm only). No non-resident employees for other dwelling types.)

ON-SITE / PORCH PICKUP?

No

INSPECTION REQUIRED?

Upon-complaint (VDACS may inspect upon complaint. FCHD may investigate cottage food product complaints. Home-based business permit requires a zoning inspection before certificate issuance.)

Home kitchen rules

HOME KITCHEN ALLOWED	Yes — Fairfax County requires a Home-Based Business Permit with a Home-Based Food Production Supplemental Form for all home-based food operations. Small-scale food production is listed as a permitted home-based use in residential districts; however, sale and delivery must occur exclusively online or off-site (no on-site retail sales or customer pickup). The home occupation area cannot exceed 400 sq ft. Operators must also comply with VDACS and Fairfax County Health Department (FCHD) regulations.
SEPARATE DEDICATED KITCHEN	No
PET RESTRICTIONS	State baseline applies
WATER SUPPLY	State baseline applies
HANDWASHING	State baseline applies
FOOD STORAGE	State baseline applies

Inspection & permitting

INSPECTION REQUIRED	Upon-complaint — VDACS may inspect upon complaint. FCHD may investigate cottage food product complaints. Home-based business permit requires a zoning inspection before certificate issuance.
HOME OCCUPATION PERMIT	Yes — Fairfax County requires a Home-Based Business Administrative Permit (zoning approval) for cottage food operations, plus a Home-Based Food Production Supplemental Form. A business license must be filed within 75 days of starting. Contact Zoning Permits Section at 703-222-1082. Home occupation area limited to 400 sq ft; no more than 1 non-resident employee (for single-family detached, 7am-6pm only). No non-resident employees for other dwelling types.
LOCAL BUSINESS LICENSE	Yes

Customer-facing rules

ON-SITE CUSTOMER PICKUP	No
ON-SITE SIGNAGE	Conditional
DELIVERY / PICKUP RULES	Sale and delivery must occur exclusively online or off-site — on-site retail customer pickup is not permitted for home-based food production in Fairfax County residential districts.
MAX EMPLOYEES IN HOME	1 non-resident employee on-site for single-family detached dwellings (7am-6pm only); no non-resident employees for other dwelling types

Relevant county code

Fairfax County Zoning Ordinance §4102 (Home-Based Business); Home-Based Food Production Supplemental Form

RESEARCH NOTES

Fairfax County is notably more restrictive than the state baseline for home-based food operations: requires a formal Home-Based Business Permit with a supplemental food production form, a business license, and a zoning inspection. On-site customer pickup is prohibited (online/off-site sales only). The county has its own local food code and a specific list of permitted cottage food products (operators must contact FCHD for product assessment if item is not on the list). One non-resident employee allowed only in single-family detached homes during 7am-6pm hours.

SOURCES VERIFIED AT RESEARCH TIME

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

- <https://www.fairfaxcounty.gov/planning-development>

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

- <https://www.fairfaxcounty.gov/planning-development/sites/planning-development/files/assets/documents/zoning/home-based-food-production-supplemental-form.pdf>

- https://www.fairfaxcounty.gov/code/sites/code/files/assets/documents/pdf/home_based_business.pdf

Questions? Join the Crosodo Forum to discuss your county’s specific zoning rules at <https://crosodo.com/nb/virginia/fairfax-county-discuss>

Bordering counties — cottage food law

Regulation	Fairfax County	Prince William County	Loudoun County
HOME KITCHEN ALLOWED	Yes	Yes	Yes
SEPARATE DEDICATED KITCHEN	No	No	No
PETS ALLOWED	State baseline applies	No specific state cottage food pet restriction	No specific state restriction; standard food safety practices apply.
INSPECTION REQUIRED	Upon-complaint	No	Upon-complaint
ON-SITE CUSTOMER PICKUP	No	Conditional	Conditional
ON-SITE SIGNAGE	Conditional	No	No
DELIVERY / PICKUP	Sale and delivery must occur exclusively online or off-site — on-site retail customer pickup is not permitted for home-based food productio...	Virginia state law: direct sales to consumers at farmers markets, events, from home. Indirect sales through third-party retailers allowed w...	Direct-to-consumer sales only. No resale, consignment, or sales to retail food establishments. Sales at farmers markets, roadside stands, h...
HOME OCCUPATION PERMIT	Yes	Yes	Yes
LOCAL BUSINESS LICENSE	Yes	Yes	Yes
RESTRICTIONS	Fairfax County requires a Home-Based Business Permit with a Home-Based Food Production Supplemental Form for all home-based food operations...	Two tiers: (1) Non-acidified cottage foods (baked goods, candy, etc.) — no registration required, direct sales only, limited venues. (2) Ac...	Virginia cottage food law (Va. Code §3.2-5130) exempts non-TCS shelf-stable foods from licensing and inspection. Permitted items: candies, ...
FOOD STORAGE	State baseline applies	Standard home kitchen storage for approved non-TCS foods	Non-TCS shelf-stable products. No TCS foods permitted.
POPULATION	1,145,354	481,114	420,773

State context — Virginia cottage food law

Fairfax County'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

ANNUAL SALES CAP

Tiered

REGISTRATION REQUIRED

No

FOOD HANDLER CERT

No

KITCHEN INSPECTION

No

DIRECT SALES ONLY

Yes

INDIRECT SALES

No — Products must be sold in person in the Commonwealth to an individual for his own consumption and not for resale or consignment. They cannot be offered for sale to be used in or offered for consumption in retail food establishments. Sales venues are limited to: private home, temporary event (no more than 14 consecutive days), or farmers market. Internet advertising is explicitly permitted but sales must remain in-person and in-state.

For the full state-level analysis including the verbatim statute text, see the [Virginia cottage food law report](#).

STATE-LEVEL REFERENCES

State statute: <https://law.lis.virginia.gov/vacode/3.2-5130/>

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?

Join the Crosodo Forum to discuss Fairfax County's specific zoning rules, permits, and what other home bakers are seeing locally.

<https://crosodo.com/nb/virginia/fairfax-county-discuss>
