

HOME COTTAGE-FOOD PERMITS

What permits do I need to open a micro bakery in Fairfax City?

Virginia · Fairfax city · FIPS 51600 · This is the home cottage-food path, not a storefront or commissary kitchen.

STATE FOOD PERMIT	HOME OCCUPATION	LOCAL BUSINESS LICENSE	LAST VERIFIED
No	Yes	Yes	2026-08-19

VIRGINIA RULES — OPEN THESE FIRST

[Virginia permits PDF \(state layer\)](#)

[Virginia cottage food law page](#)

[Virginia Department of Agriculture and Consumer Services cottage food program](#)

[Statute: Va. Code §3.2-5130 \(HB 402 / 2026 c. 605\)](#)

IMPORTANT — NOT LEGAL ADVICE

This report is a research checklist for opening a **home cottage-food micro bakery**. It is **not** a retail-shop, café, or commissary-kitchen permit stack. It is **not legal advice** and is provided **without warranty**.

Always verify with your state agency and local planning, health, and license offices before you sell.

Checklist — what is and is not required

Fairfax City, Virginia — start here, then portals and fees.

STATE FOOD PERMIT / REGISTRATION

No

STATE ROUTINE INSPECTION

No

HOME OCCUPATION / ZONING

Yes

LOCAL HEALTH / PRODUCT REGISTRATION

No

LOCAL BUSINESS LICENSE

Yes

HOUSE / PORCH PICKUP

Check zoning

PATH

Home cottage-food only. If you want a storefront or rented commercial kitchen, this checklist does not apply.

CONTINUE ONLINE

Virginia permits PDF (state layer) →

Virginia cottage food law page →

Live permit stack for this place →

Fairfax City cottage food law page →

Planning path only — not legal advice. Rules change.

Portals, fees, and what is not required

What the state does not require

Virginia registration: No. Routine kitchen inspection: 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/20261/HB402>

State permits report: crosodo.com/reports/pdf/permits/virginia.pdf

State law page: crosodo.com/states/virginia

Virginia Department of Agriculture and Consumer Services: <https://www.vdacs.virginia.gov/food-information-for-vendors-and-businesses-home-food-processors.shtml>

Statute: [Va. Code §3.2-5130 \(HB 402 / 2026 c. 605\)](#)

Zoning / home occupation

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.

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

Health

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.

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

Business license

Yes

Pickup / delivery

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.

LOCAL 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."

If you rent a commissary kitchen

VDACS treats a commercial kitchen as a food-processing operation. Virginia cottage food is a home exemption. A commissary or commercial kitchen that manufactures food for sale needs a VDACS inspection and permit. VDACS publishes a commercial-kitchen food-processing application. Local health departments permit restaurants and similar food establishments.

Official source: [VDACS home and commercial kitchen businesses](#)

Local health office we have on file: <https://www.fairfaxcounty.gov/health>

This free permits PDF is the home cottage-food path. A commissary application is a different form. We do not invent one here. The paid Forms Packet has the same note plus official cottage pages.

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>

Bordering counties — cottage food law

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

Same facts, different frame

Local overlay is this county. The state layer is the [Virginia permits PDF](#) and the [Virginia cottage food law page](#). The county law essay is crosodo.com/states/virginia/fairfax-city.