

## COTTAGE BAKERY FROM HOME

# Can I sell from my kitchen in Fairfax County, Virginia?

Home kitchen sales. Not a shop or rented commercial kitchen. Last verified 2026-08-19.

STATE FOOD PERMIT

**No**

HOME OCCUPATION

**Yes**

BUSINESS LICENSE

**Yes**

SALES CAP

**Tiered**

VIRGINIA RULES. OPEN THESE FIRST.

[Virginia permits PDF](#)[Virginia cottage food law page](#)[Virginia Department of Agriculture and Consumer Services cottage food program](#)[Statute: Va. Code §3.2-5130 \(HB 402 / 2026 c. 605\)](#)**NOT LEGAL ADVICE**

This is what it takes to sell from a home kitchen in Fairfax County. Confirm each step with Planning, Health, and the license office before you sell.

## What you need

Fairfax County, Virginia. File every Yes. Confirm every Check or Ask. Stay under the sales cap.

STATE FOOD PERMIT

No

ANNUAL SALES CAP

Tiered

HOME OCCUPATION / ZONING

Yes

LOCAL HEALTH

Upon-complaint

BUSINESS LICENSE

Yes

PICKUP AT THE HOUSE

No

### HOME KITCHEN ONLY

If you want a shop or a rented commercial kitchen, these rows do not apply.

### CONTINUE ONLINE

[Virginia permits PDF →](#)

<https://crosodo.com/reports/pdf/permits/virginia.pdf>

[Virginia cottage food law page →](#)

<https://crosodo.com/states/virginia>

[Permit page for this place →](#)

<https://crosodo.com/what-permits/virginia/fairfax-county>

[Fairfax County cottage food law page →](#)

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

Not legal advice. Rules change. Confirm with the office before you file.

## Where to file

### State

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>

Virginia permits PDF: [crosodo.com/reports/pdf/permits/virginia.pdf](https://crosodo.com/reports/pdf/permits/virginia.pdf)

State law page: [crosodo.com/states/virginia](https://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. Fairfax County requires a Home-Based Business Administrative Permit through PLUS for cottage food operations, plus the Home-Based Food Production Supplemental Form. Processing is about 14 calendar days; the administrative permit fee is \$140 as of July 1, 2026 (paid in PLUS; credit-card payments add a 2.35% service charge). Submit a floor plan labeling rooms and the square footage of the business area (400 sq ft cap); interior photos of rooms/areas where the business will operate (not every room in the house); and exterior photos of all sides of the dwelling. FCHD reviews each food item; Chapter 43.2 Art. 5 requires annual cottage-food product registration. File BPOL within 75 days of starting. Zoning Permits: 703-222-1082 / [dpdzoningpermits@fairfaxcounty.gov](mailto:dpdzoningpermits@fairfaxcounty.gov). Home occupation area limited to 400 sq ft; one non-resident employee only in a single-family detached dwelling, 7am–6pm. Sale and delivery of home-based food must be exclusively online or off-site — no porch pickup. A special permit cannot add on-site customers for food or small-scale production.

Planning: <https://www.fairfaxcounty.gov/planning-development/zoning/home-based-business>

### Health

Upon-complaint. VDACS may inspect upon complaint. FCHD reviews cottage-food products and may investigate complaints. The HBB administrative permit is a zoning review (about 14 calendar days); FCHD product registration is a separate annual Health Department step. County Food Code Chapter 43.2 does not apply in the independent City of Fairfax.

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

### Business license

Yes

### Pickup / delivery

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 retail customer pickup is not permitted. FAQ: customers may come only to view samples if that is separately allowed — food sales themselves are not porch pickup. A special permit cannot add customers for food or small-scale production. State HB 402 allows online/phone orders and in-state delivery/shipping; County zoning still bans house pickup.

### 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/permits>

This file is the home-kitchen path. A rented kitchen uses a different permit. Ask the kitchen manager which license they expect, then call the local health office.

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### SOURCES

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

<https://www.fairfaxcounty.gov/planning-development/zoning/home-based-business>

<https://www.fairfaxcounty.gov>

<https://www.fairfaxcounty.gov/planning-development/zoning/home-based-business>

<https://plus.fairfaxcounty.gov/CitizenAccess/Welcome.aspx>

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

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

<https://online.encodeplus.com/regs/fairfaxcounty-va/doc-viewer.aspx#secid-2878>

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

## Fairfax County and nearby places

| Regulation                 | Fairfax County                                                                                                                                 | Prince William County                                                                                                                          | Loudoun County                                                                                                                                 | Fairfax city                                                                                                                                   |
|----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| HOME KITCHEN ALLOWED       | Yes                                                                                                                                            | Yes                                                                                                                                            | Yes                                                                                                                                            | Yes                                                                                                                                            |
| SEPARATE DEDICATED KITCHEN | No                                                                                                                                             | No                                                                                                                                             | No                                                                                                                                             | No                                                                                                                                             |
| PETS ALLOWED               | State baseline applies                                                                                                                         | No specific state cottage food pet restriction                                                                                                 | No specific state restriction; standard food safety practices apply.                                                                           | No specific state cottage food pet restriction.                                                                                                |
| INSPECTION REQUIRED        | Upon-complaint                                                                                                                                 | No                                                                                                                                             | Upon-complaint                                                                                                                                 | No                                                                                                                                             |
| ON-SITE CUSTOMER PICKUP    | No                                                                                                                                             | Conditional                                                                                                                                    | Conditional                                                                                                                                    | Check zoning                                                                                                                                   |
| ON-SITE SIGNAGE            | No                                                                                                                                             | No                                                                                                                                             | No                                                                                                                                             | No                                                                                                                                             |
| DELIVERY / PICKUP          | 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 ... | 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... | State HB 402 allows online/phone sales and in-state delivery or shipping. City MHO: no public advertising of the street address; traffic mu... |
| HOME OCCUPATION PERMIT     | Yes                                                                                                                                            | Yes                                                                                                                                            | Yes                                                                                                                                            | Yes                                                                                                                                            |
| LOCAL BUSINESS LICENSE     | Yes                                                                                                                                            | 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, ... | Independent City of Fairfax (not Fairfax County). Virginia Home Kitchen Food Processing Exemption (Va. Code §3.2-5130 as amended by HB 402,... |
| FOOD STORAGE               | State baseline applies                                                                                                                         | Standard home kitchen storage for approved non-TCS foods                                                                                       | Non-TCS shelf-stable products. No TCS foods permitted.                                                                                         | Non-TCS shelf-stable foods only.                                                                                                               |
| POPULATION                 | 1,145,354                                                                                                                                      | 481,114                                                                                                                                        | 420,773                                                                                                                                        | 24,242                                                                                                                                         |

## More pages for this place

These Crosodo pages cover the same home cottage-food path:

Virginia permits PDF: [crosodo.com/reports/pdf/permits/virginia.pdf](https://crosodo.com/reports/pdf/permits/virginia.pdf)

Virginia cottage food law: [crosodo.com/states/virginia](https://crosodo.com/states/virginia)

Fairfax County cottage food law: [crosodo.com/states/virginia/fairfax-county](https://crosodo.com/states/virginia/fairfax-county)