**Chapter 8.112 - HOME OCCUPATIONS**

**8.112.010 - Findings and intent.**

The council finds that one residing in a residential neighborhood should be able to engage in a home occupation so long as it is harmonious with and does not change the character and quality of environment of the area. It is the intent of this chapter to permit a home occupation as an incidental and accessory use in residential land use districts under conditions that will ensure that the use is and remains compatible with the residential character of the neighborhood.

8.112.020 - When home occupation is permitted.

A home occupation is permitted in any residential land use district so long as:

A. It is an accessory use only; and

B. It is conducted in accordance with the performance and development standards set forth in Section 8.112.030

**8.112.030 - Performance and development standards.**

Except as allowed for in Section 8.112.050, the establishment and con duct of a home occupation is permitted only if it meets the following requirements:

A. There shall be no exterior evidence of the conduct of the home occupation, nor shall the home occupation be visible from off site;

B. Only the residents of the dwelling unit may be employed in the home occupation;

C. No sign or advertising may be displayed; house numerals shall be consistent in size and shape with those in use in the neighborhood; and no other evidence that the home occupation exists on the premises is permitted outside any structure;

D. The nature and conduct of the home occupation must not be such as to change the principal character of the use of the dwelling unit involved or the residential character of the neighborhood;

E. The required residential off-street parking shall be maintained;

F. The home occupation shall not create off-street or on-street parking, vehicular traffic or pedestrian traffic which is greater than that normally associated with a strictly residential use of the premises on which it is located;

G. Equipment which is visible or which creates audible interference in radio or television receivers or causes fluctuations in line voltage outside the dwelling unit is prohibited.

**8.112.040 - Maintenance of mailing address and telephone listing for business purposes.**

A person may maintain a mailing address and telephone listing for business purposes in a residential land use district.

**8.112.050 – Home Occupations Involving Limited Agriculture and Specialty Food and Beverage Production [New]**

1. **Purpose**. This section establishes standards for home occupations involving limited agriculture and specialty foods and beverage production. These standards are intended to support Moraga’s semi-rural character, enhance local economic vitality, protect the residential character of neighborhoods, and minimize impacts on neighboring properties.
2. **Definitions**. “Specialty food and beverage production” means the production of unique and high-value foods and beverages made in small quantities from agricultural products grown primarily on-site. Specialty food and beverages include wine, craft beer, distilled spirits, olive oil, jams and jellies, and other similar small-batch, artisanal food and beverage products. “Limited Agriculture” means cultivation on the premises of fruits, vegetables, plants, flowers, herbs, and/or ornamental plants intended to produce food, beverages, or other non-edible products (e.g. soaps, candles, cosmetics) for sale.
3. **Applicability**. This section applies only to home occupations involving limited agriculture and production of specialty foods and beverages for sale or barter. This section does not apply to the home-based production of food and beverages or other products for personal or non-commercial use.
4. **Permit Required.** A home occupation involving limited agriculture or producing specialty foods and beverages is permitted by-right if the home occupation complies with Section E (Standards) below.
5. **Standards.**
	1. **Maximum Production**. Production shall not exceed 1,000 cases per year. Up to 2,000 cases per year are permitted with a conditional use permit. A case means 12 bottles, jars or other container up to 750 milliliters each.
	2. **Minimum Lot Size**. The minimum required lot size is 1 acre. Home occupations of this type on less than 1 acre are permitted with a conditional use permit.
	3. **Permitted Activities**. Permitted activities include the growing, harvesting, and processing of agricultural products, and the storage and distribution of the resulting specialty foods, beverages or products
	4. **Employees and Volunteers**.Seasonal visiting workers are permitted for the growing, harvesting, and processing of agricultural products. Up to two full-time or part time on-site employees are allowed with a conditional use permit.
	5. **Tours and Tastings.** Onlyprivate tours and tastings are permitted; public tours and tastings open to the general public are prohibited. A maximum of 25 guests are permitted at a single time – more than 25 guests constitutes a “special event” subject to the limitations below. Private tours and tastings may be attended only by members of the product trade, persons with a pre-established business or personal relationships with the home owners, and persons who have made unsolicited prior appointment for tours or tastings.
	6. **On-site sales.** On-site sales are permitted by appointment only and are limited to products produced on-site. Sales of other merchandise and food are prohibited.
	7. **Special Events.** The following requirements apply to special events attended by 25 guests or more.
		1. The home owner shall notify the Town at least 10 days in advance of the event.
		2. Advertising the event in a public forum is prohibited. Event attendance may be by invitation only.
		3. A maximum of 50 guests may attend an event.
		4. A maximum of four events may be held per year.
		5. The maximum event duration is 6 hours and shall be limited to between the hours of 9AM and 10PM on weekdays; and 9AM and 11PM on Saturdays and Sundays.
		6. A parking management plan shall be submitted to and approved by the Town in advance of the event.
		7. The event may produce a noise level not to exceed 60 dba at a property line shared by a residential use.
	8. **Property Rentals.** Properties may not be rented to paying customers to host events such as weddings or other private parties.
	9. **Waste Disposal.** Solid waste shall be stored and disposed of in a manner that prevents the propagation, harborage, or attraction of flies, rodents, vector, or other nuisance conditions. Liquid waste shall be disposed as required by the regional water quality control board.
	10. **Spraying.** All spraying of pesticides and other chemicals shall occur as required by State and federal law.