



DEPARTMENT OF LICENSING, INSPECTIONS AND PERMITS

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APPLICATION FOR A HOME BASED BUSINESS (Zoning)

Fee \$5.00

1. Property Map Id Number(**Required**) _____
2. Address of Property _____
3. Name of Listed Property Owner: _____
 - If listed owner is under a fictitious name, proof of ownership is required. You must provide paperwork from the PA Department of State, Bureau of Corporations and Charitable Organizations OR other official governmental agency.
4. Authorized Agent of Property _____
5. Address of Property Owner: _____
6. Telephone Number of Listed Owner: _____
7. Name of Person/Operator for Home Business _____
8. Contact Number of Business Operator _____
9. Name of Business _____
10. Scranton Single Tax Office Account Number _____
11. Is Existing use of Property a Single Family Dwelling? Yes No
 - If no, what is the current use of the structure? _____
 - If multi dwelling, how many units? _____
12. Detailed Description of Proposed Home Based Business:

13. Does the Proposed Home Based Business meet all of the Requirements Attached Herein?

YES NO

The 2002 Amendment to the Planning Code

A brief look at the cases described below will show that most focus on the question whether a given use—a beauty shop, an office, a studio—are examples—qualifies under the provisions permitting home occupations. The Act of 2002, May 6, P.L. 305, No. 41 took an entirely different approach. This Act amended § 603 of the Code to require municipalities to permit "no-impact home-based businesses" as a matter of right in all residential districts. The key provision is the new definition inserted § 107 of the Code, 53 P.S. § 10107.

"No-impact home-based business," a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- (1) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- (2) The business shall employ no employees other than family members residing in the dwelling.
- (3) There shall be no display or sale of retail goods and no stocking or inventory of a substantial nature.
- (4) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- (5) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- (6) The business activity may not generate any solid waste or sewerage discharge in volume or type which is not normally associated with residential use in the neighborhood.
- (7) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- (8) The business use may not involve any illegal activity.

53 P.S. § 10107, as added by 2002, May 9, P.L. 305, No. 43, effective December 1, 2002.

Note that under § 107, the use need be nothing more than a legal use. However, the restrictions on the permitted use, particularly those found in paragraphs (1)-(4), are quite significant. What then happens to the pre-existing ordinance provisions and case law. Three things seem clear. First, regardless of what the ordinance says, a use meeting the requirements of the new definition in § 107 is permitted of right in a residential district. Second, there is no requirement that any ordinance restrict uses to those described in the new definition. Thirdly, the new definition, phrased in terms of the impact of—rather than a description of—the use involved, is likely to have an effect on the drafting zoning of future ordinances. But until that occurs, the existing provisions of the local zoning ordinances and the rationale of the cases will control, except against a proposed use meeting the requirements of the