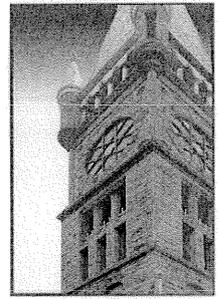


Department of  
Licensing, Inspections and Permits  
Bureau of Zoning

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SCRANTON

**Affidavit  
for  
Home-Based Business**

I, \_\_\_\_\_ residing  
at \_\_\_\_\_ Scranton, PA, do hereby apply for a  
home-based business at the above-address consisting of:

\_\_\_\_\_.

I have read and understand the definitions of a no-impact home-based business as described in Section 53 P.S. § 10107 of the Pennsylvania Municipality Planning Code. I understand that failure to adhere to these regulations will result in the revocation of my permit.

Signed:

\_\_\_\_\_

State of PA  
County of Lackawanna  
Subscribed and sworn before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission expires : \_\_\_\_\_

## *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