

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 195 Session of 2023

INTRODUCED BY PENNYCUICK, ROTHMAN AND STEFANO, FEBRUARY 21, 2023

REFERRED TO VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS,
FEBRUARY 21, 2023

AN ACT

1 Amending the act of July 31, 1968 (P.L.805, No.247), entitled
 2 "An act to empower cities of the second class A, and third
 3 class, boroughs, incorporated towns, townships of the first
 4 and second classes including those within a county of the
 5 second class and counties of the second through eighth
 6 classes, individually or jointly, to plan their development
 7 and to govern the same by zoning, subdivision and land
 8 development ordinances, planned residential development and
 9 other ordinances, by official maps, by the reservation of
 10 certain land for future public purpose and by the acquisition
 11 of such land; to promote the conservation of energy through
 12 the use of planning practices and to promote the effective
 13 utilization of renewable energy sources; providing for the
 14 establishment of planning commissions, planning departments,
 15 planning committees and zoning hearing boards, authorizing
 16 them to charge fees, make inspections and hold public
 17 hearings; providing for mediation; providing for transferable
 18 development rights; providing for appropriations, appeals to
 19 courts and penalties for violations; and repealing acts and
 20 parts of acts," in general provisions, further providing for
 21 definitions; and, in zoning, further providing for ordinance
 22 provisions.

23 The General Assembly of the Commonwealth of Pennsylvania
 24 hereby enacts as follows:

25 Section 1. Section 107(a) of the act of July 31, 1968
 26 (P.L.805, No.247), known as the Pennsylvania Municipalities
 27 Planning Code, is amended by adding a definition to read:

28 Section 107. Definitions.--(a) The following words and

1 phrases when used in this act shall have the meanings given to
2 them in this subsection unless the context clearly indicates
3 otherwise:

4 * * *

5 "Low-impact home-based business activity," a temporary
6 business or commercial activity administered or conducted as an
7 accessory use which is clearly secondary to the use as a
8 residential dwelling and which involves minimal
9 customer, client or patient traffic, whether vehicular or
10 pedestrian, pickup, delivery or removal functions to or from the
11 premises, in excess of those normally associated with
12 residential use. The business or commercial activity must
13 satisfy the following requirements:

14 (1) The business activity may not unreasonably interfere
15 with the residential use of the property and surrounding
16 residential uses.

17 (2) The business shall employ no more than two employees
18 other than family members residing in the dwelling.

19 (3) Retail operations shall be limited to the hours of
20 8:00 a.m. and 8:00 p.m.

21 (4) There shall be no stockpiling or inventory of a
22 substantial nature.

23 (5) Any outside appearance of a business use shall be
24 temporary in nature, including, but not limited to,
25 parking, signs or lights.

26 (6) The business activity may not use any equipment or
27 process which creates electrical or electronic interference,
28 including interference with radio or television reception,
29 which is detectable in the neighborhood.

30 (7) The business activity may not use any equipment or

1 process which creates noise, vibration, glare, fumes or odors
2 in the neighborhood, except Monday through Friday between the
3 hours of 8:00 a.m. and 8:00 p.m.

4 (8) The business activity may not generate any solid
5 waste or sewage discharge in volume or type which is not
6 normally associated with residential use in the neighborhood.

7 (9) The business activity shall be conducted only within
8 the dwelling or accessory structures and the business
9 activity may not occupy more than 25% of the habitable floor
10 area of the dwelling.

11 (10) The business may not involve any illegal activity.

12 * * *

13 Section 2. Section 603(1) of the act is amended to read:

14 Section 603. Ordinance Provisions.--* * *

15 (1) The following shall apply:

16 (1) Zoning ordinances shall permit no-impact home-based
17 businesses in all residential zones of the municipality as a
18 use permitted by right and low-impact home-based business
19 activity in accordance with clause (2), except that such
20 permission shall not supersede any deed restriction, covenant
21 or agreement restricting the use of land nor any master deed,
22 bylaw or other document applicable to a common interest
23 ownership community.

24 (2) Zoning ordinances shall permit low-impact home-based
25 business activity to operate for a limited period of time for
26 any of the following reasons:

27 (i) A disaster emergency declared under 35 Pa.C.S. §
28 7301(c) (relating to general authority of Governor) or
29 7501(b) (relating to general authority of political
30 subdivisions) has rendered the operation of the business

1 in its regular business location unsafe or impossible.
2 The low-impact home-based business activity under this
3 subclause shall be authorized for no longer than the
4 duration of the declared emergency.

5 (ii) Loss or damage to a regular business location
6 caused by a natural disaster or other form of physical
7 destruction that has rendered the operation of the
8 business in its regular business location unsafe or
9 impossible. The low-impact home-based business activity
10 under this subclause shall be authorized for a period of
11 time not to exceed 180 days from the date of the natural
12 disaster or other form of physical destruction.

13 (3) An owner of a business shall notify, in writing, the
14 municipal secretary or clerk of the governing body of the
15 owner's intent to use a residential dwelling for a low-impact
16 home-based business activity in accordance with clause (2)
17 prior to engaging in the low-impact home-based business
18 activity on the property.

19 (4) Nothing in this subsection shall be construed to
20 limit a municipality's power to regulate public nuisances.

21 Section 3. This act shall take effect in 60 days.