

City of Philadelphia



(Bill No. 230764)

AN ORDINANCE

Amending Title 14 of The Philadelphia Code “Zoning and Planning” to revise definitions and rules governing nightclubs and private clubs; create the event assembly facility use category and identify the commercial districts where the use is allowed; and make technical changes; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 14 of The Philadelphia Code is hereby amended to read as follows:

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TITLE 14. ZONING AND PLANNING

* * *

CHAPTER 14-200. DEFINITIONS.

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§ 14-203. Definitions.

(113.1) Event Assembly Facility.

See § 14-601(7)(c)(.3) (Event Assembly Facility.)

(192) Nightclubs and *Public Entertainment Venues* [Private Clubs].

See § 14-601(7)(c)(.2) (Nightclubs and *Public Entertainment Venues* [Private Clubs]).

* * *

CHAPTER 14-500. OVERLAY ZONING DISTRICTS.

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§ 14-503. /NCA, Neighborhood Commercial Area Overlay District.

* * *

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(2) East Falls.

* * *

(b) Use Regulations.

(.1) In addition to any uses prohibited by the underlying zoning, the following uses are prohibited:

(.a) Nightclubs and *Public Entertainment Venues* [Private Clubs].

* * *

(4) Main Street/Manayunk and Venice Island.

* * *

(d) Parking in Subareas A and B.

Parking for eating and drinking establishments and nightclubs and *public entertainment venues* [private clubs] in Commercial districts located in Subareas A and B shall meet the following standards notwithstanding any other parking requirements set forth in this Zoning Code.

(.1) The number of required parking spaces shall be determined by the legal occupancy (pursuant to the Philadelphia Building Construction and Occupancy Code) of the use as follows:

Use	Spaces Required
Eating and Drinking establishments	1 space per 4 occupants
Nightclubs and <i>public entertainment venues</i> [private clubs]	1 space per 2 occupants

(.2) All required parking shall be located either on:

(.a) the same lot as the eating and drinking establishment or nightclub and *public entertainment venues* [private clubs]; or

(.b) a different lot provided that a special exception approval is obtained from the Zoning Board pursuant to § 14-303(7) (Special Exception Approval) and (i) the lot is located within Subarea A or Subarea B; (ii) parking is a permitted non-accessory use; (iii) the lot is located within

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1,000 ft. of the eating and drinking establishment, nightclub or *public entertainment venues* [private clubs]; and (iv) the applicant has entered into a signed agreement with the lot owner to use the lot for non-accessory parking.

(5) Logan Triangle.

* * *

(b) Use Regulations.

(.1) In Subarea A, Assembly and Entertainment Uses shall be permitted by right, except for Amusement Arcades, Casinos, Nightclubs and *Public Entertainment Venues* [Private Clubs], and Pool or Billiards Rooms.

* * *

CHAPTER 14-600. USE REGULATIONS.

* * *

§ 14-601. Use Categories.

(4) Public, Civic, and Institutional Use Category.

(f) Fraternal Organization.

The use of a building or lot by a not-for-profit organization that restricts access to its facility to bona fide, annual dues-paying members and their occasional guests. *Event Assembly Facilities* [Banquet rooms and the preparation and serving of food and beverages] and occasional live entertainment are uses and activities in association with fraternal organizations.

* * *

(7) Commercial Services Use Category

* * *

(c) Assembly and Entertainment.

* * *

(.2) Nightclubs and *Public Entertainment Venues* [Private Clubs].

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An establishment where 50 or more people [regularly] congregate primarily for entertainment purposes. *Entertainment purposes include but are not limited to: dancing in temporary or permanent standing areas free of tables, chairs, or other obstructions to allow for dancing; live or recorded music; bottle service that has the sale of any full bottle of liquor or spirits for on-premises consumption; or promoted events that may or may not require an admission fee or minimum purchase.* [in the form of dancing or live or recorded music. The establishment may serve food or beverages to patrons for on- or off-premise consumption or may have one or more temporary or permanent area(s) set aside for the purpose of dancing by the patrons of the establishment. Such establishments may include, but are not limited to, discotheques, cabarets, banquet halls, and similar places of assembly.]

This use subcategory does not include dance studios and related establishments providing instructional dance classes; performances incidental to restaurant, hotel, or retail uses; and Event Assembly Facilities.

* * *

(.4) *Event Assembly Facility.*

An establishment that accommodates private functions and that may or may not include kitchen facilities. The principal purpose of Event Assembly Facilities is to serve food and beverages to groups that have reserved the space in advance for civic, educational, political, religious, or social activities that may include banquets, meetings, weddings, and other similar functions, for the individual or group and any guests to which the general public is not admitted. This does not include events for which a general admission fee or other monetary donations for entrance are collected except for bona fide non-profit organizations and political campaigns using the facility for fundraising purposes.

* * *

(f) *Eating and Drinking Establishments.*

Uses that prepare or serve food or beverages for on- or off-premise consumption. Establishments that meet the definition of a use classified in the eating and drinking establishments use subcategory and that also include occasional live entertainment may be classified as eating and drinking establishment uses, provided that any establishment that meets the definition of a nightclub and [private club] *public entertainment venue* use must be classified and regulated as a nightclub and [private club] *public entertainment venue* (See § 14-601(7)(c)(.2) (*Nightclubs and Public*

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Entertainment Venues)). [(Nightclubs and Private Clubs)].] The following are eating and drinking establishment specific use types:

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§ 14-602. Use Tables.

* * *

(4) Commercial Districts.

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Table 14-602-2: Uses Allowed in Commercial District

Previous District Name	C-1	C-2/RC-2	(/NCC)	C-3/RC-3	C-4	C-5	C-7/NSC	ASC	
District Name	CMX-1	CMX-2	CMX-2.5	CMX-3	CMX-4	CMX-5	CA-1	CA-2	Use-Specific Standards
Y = Yes permitted as of right S = Special exception approval required N = Not allowed (expressly prohibited) Uses not listed in this table are prohibited See §14-602(4) (a) (Notes for Table 14-602-2) for information pertaining to bracketed numbers (e.g., “[2]”) in table cells.									
Commercial Services Use Category									
* * *									
Assembly and Entertainment (except as noted below)	N	S	S	S	Y	Y	S	Y	
Casino	N	N	N	N	N	N	N	N	
Nightclubs and Public Entertainment Venue {Private Clubs}	N	S	N	S	Y	Y	N	Y	§14-603(18)
Event Assembly Facility	N	S	N	S	Y	Y	N	Y	
* * *									

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§ 14-603. Use-Specific Standards.

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(18) Nightclubs and *Public Entertainment Venues* [Private Clubs].

Nightclubs and *Public Entertainment Venues* [Private Clubs] are subject to the applicable regulations set forth in Section 9-703 (Special Assembly Occupancies) of The Philadelphia Code.

* * *

CHAPTER 14-800. PARKING REGULATIONS.

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§ 14-802. Motor Vehicle Parking Ratios.

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(7) Regulations Applicable to Specific Areas

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(c) Delaware River Waterfront.

Parking for sit-down restaurants and nightclubs and *public entertainment venues* [private clubs] on a commercially-zoned lot within the area bounded by Rhawn street, the Delaware River, Allegheny Avenue, and the Delaware Expressway (I-95) as well as the area bounded by the Delaware Expressway (I-95), Frankford Avenue, Delaware Avenue, and Columbia Avenue as shown on the following maps for illustrative purposes only, shall meet the following standards, notwithstanding any other parking requirements set forth in this Chapter 14-800 or elsewhere in this Zoning Code.

(.1) Required Parking Spaces.

The minimum number of required parking spaces for any sit-down restaurants or nightclubs and *public entertainment venues* [private clubs] in Commercial districts shall be determined by the legal occupancy (pursuant to the Philadelphia Building Construction and Occupancy Code) of the use as follows:

(.a) Sit-Down Restaurant: one space per four occupants; and

(.b) Nightclubs and *public entertainment venues* [Private Clubs]: one space per two occupants.

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(.2) Location of Parking.

All required parking shall be located either on:

- (.a) the same lot as the sit-down restaurants or nightclubs and *public entertainment venues* [private clubs];
- (.b) on an abutting lot; or
- (.c) on a non-abutting lot (where parking is a permitted principal use) that is within 1,000 ft. of the sit-down restaurant or nightclub and [private club]; provided that a special exception approval is obtained.

* * *

SECTION 2. This Ordinance shall become effective immediately.

Explanation:

[Brackets] indicate matter deleted.

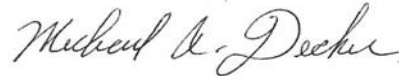
Italics indicate new matter added.

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on December 14, 2023. The Bill was Signed by the Mayor on December 20, 2023.



Michael A. Decker
Chief Clerk of the City Council