



City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

BILL NO. 190601-A
(As Amended on Floor 11/14/2019)

Introduced June 20, 2019

Councilmember Henon

**Referred to the
Committee on Rules**

AN ORDINANCE

Amending Title 14 of The Philadelphia Code, entitled "Zoning and Planning," to revise certain provisions of Chapter 14-200, entitled "Definitions" and Chapter 14-600, entitled "Use Regulations," by creating the use category "Smoking Lounge" and related 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:

TITLE 14. ZONING AND PLANNING

* * *

CHAPTER 14-200. DEFINITIONS

* * *

§ 14-203. Definitions.

For purposes of this Zoning Code, the following definitions shall apply; words, phrases, and terms not defined herein, but defined in Title 4 (The Philadelphia Building Construction and Occupancy Code), shall be construed as defined in Title 4.

* * *

(300.1) Smoking Lounge. See § 14-601(7)(f)(.4) (Smoking Lounge).

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CHAPTER 14-600. USE REGULATIONS

§ 14-601. Use Categories.

* * *

(7) Commercial Services Use Category.

This category includes uses that provide for consumer or business services, for the repair and maintenance of a wide variety of products, and for entertainment. The commercial services subcategories are:

* * *

(c) Assembly and Entertainment.

Uses that provide gathering places for participant or spectator recreation, entertainment, or other assembly activities. Assembly and entertainment uses may provide incidental food or beverage service for on- or off-premise consumption. *Smoking or vaping of tobacco products, electronic cigarettes, or other substances is not permitted in assembly and entertainment uses.* The following are assembly and entertainment specific use types:

* * *

(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 use must be classified and regulated as a nightclub and private club (See § 14-601(7)(c)(.3) (Nightclubs and Private Clubs)). The following are eating and drinking establishment specific use types:

(.1) Prepared Food Shop.

An *eating and drinking* establishment that does not meet the definition of a take-out restaurant (see § 14-601(7)(f)(.2)) *or smoking lounge* (see § 14-601(7)(f)(.4)), that offers seating and carry out food and beverage service, and that is primarily engaged in the sale of prepared food, non-alcoholic beverages, cold

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refreshments, or frozen desserts. Prepared food shops include establishments known as sandwich shops, delis, coffee shops, and ice cream shops. A prepared food shop has all of the following characteristics:

* * *

(.2) Take-Out Restaurant.

An eating and drinking establishment that *does not meet the definition of a smoking lounge (see § 14-601(7)(f)(.4)) and that* has any one or more of the following characteristics:

* * *

(.3) Sit-Down Restaurant.

An eating and drinking establishment that does not meet the definition of a take-out restaurant (see § [14-601(7)(f)(.2)) or] *14-601(7)(f)(.2)*), prepared food shop (see § 14-601(7)(f)(.1)), *or smoking lounge (see § 14-601(7)(f)(.4))*, including establishments that primarily engage in cooking food on the premises and selling it to customers primarily for on-premise consumption.

(.4) Smoking Lounge.

An eating and drinking establishment where the smoking of tobacco products, electronic cigarettes, or other substances is permitted. Examples of smoking lounges include, but are not limited to, cigar lounges, hookah lounges, vape lounges, tobacco clubs, tobacco bars, etc.

* * *

§ 14-602. Use Tables

* * *

(4) Commercial Districts.

* * *

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

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	

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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(3)(a) (Notes for Table 14-602-1) for information pertaining to bracketed numbers (e.g., "[2]") in table cells.									
* * *									
Commercial Services Use Category									
* * *									
Eating and Drinking Establishments (as noted below)									
Prepared Food Shop	S[5]	Y	Y	Y	Y	Y	Y	Y	
Take-Out Restaurant	N	S	S	Y	Y	Y	S	Y	
Sit Down Restaurant	N	Y	Y	Y	Y	Y	Y	Y	
Smoking Lounge	N	N	S	S	Y	Y	N	N	§ 14-603(19)
* * *									

(5) Industrial Districts.

* * *

Table 14-602-3: Uses Allowed in Industrial Districts

Previous District Name	New	L4/L5	L1/L2/L3	G1/G2	LR	PI	
District Name	IRMX [3]	ICMX	I-1	I-2	I-3	I-P	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(3)(a) (Notes for Table 14-602-1) for information pertaining to bracketed numbers (e.g., "[2]") in table cells.							
* * *							
Commercial Services Use Category							
* * *							
Eating and Drinking Establishments (except as noted below)	Y	Y	N	N	N	N	
Take-Out Restaurant	S	Y	N	N	N	N	
Smoking Lounge	S	S	N	N	N	N	§ 14-603(19)
* * *							

(6) Special Purpose Districts.

* * *

Table 14-602-4: Uses Allowed in Special Purpose Districts

Previous District Name	IDD	CED	SSD	REC-P	REC	New	
District Name	SP-INS	SP-ENT	SP-STA	SP-PO-P	SP-PO-A	SP-AIR	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(3)(a) (Notes for Table 14-602-1) for information pertaining to bracketed numbers (e.g., "[2]") in table cells.							

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* * *							
Commercial Services Use Category							
* * *							
Eating and Drinking Establishments (except as noted below)	Y	Y	Y	N	Y[5]	Y	§ 14-603(18)
Take-Out Restaurant	Y	Y	N	N	Y[5]	Y	§ 14-603(6)
<i>Smoking Lounge</i>	<i>S</i>	<i>S</i>	<i>S</i>	<i>N</i>	<i>N</i>	<i>S</i>	<i>§ 14-603(19)</i>
* * *							

§ 14-603. Use Specific Standards

* * *

(19) [Reserved] *Smoking Lounge*.

(a) Smoking Lounges are subject to the applicable regulations set forth in § 10-602 (Smoking), § 10-614 (Electronic Smoking Devices), and § 9-631 (Tobacco Retailer Permit) of The Philadelphia Code.

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Explanation:

[Brackets] indicate matter deleted.
Italics indicate new matter added.

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