

City of Philadelphia



(Bill No. 040999)

AN ORDINANCE

Amending Title 14 of The Philadelphia Code, entitled “Zoning and Planning,” by deleting and no longer permitting the preparation and retail sale of food for consumption off premises as an accessory use in the C-2 commercial district; by amending the definition of a restaurant; and by making certain 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:

TITLE 14. ZONING AND PLANNING.

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§ 14-102. Definitions.

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(106) Restaurant. A use engaged in the preparation and retail sale of food and beverages, including the sale of alcoholic beverages, *on non-disposable ware for consumption by patrons on premises, with a minimum of thirty (30) seats*, and which does not provide live entertainment;

(107) Restaurant (Take-out). A use engaged in the preparation and retail sale of food and beverages which serves food and/or beverages in disposable packaging and/or containers for consumption by patrons on or off the premises, including but not limited to delicatessens *and/or a restaurant with twenty-nine (29) or less seats*;

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§ 14-303. “C-2” Commercial District.

* * *

(2) Use Regulations –Without Certificate.

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City of Philadelphia

BILL NO. 040999 continued

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(p) Restaurant (see (3)(p) below), cafe, soda or ice cream fountain, or catering, including outdoor dining areas; [provided that the preparation and sale at retail of food to be consumed off premises shall be permitted as an accessory use subject to (2)(s) below;]

* * *

(s) Accessory uses, customarily incidental to any of the above permitted uses; provided, that the accessory use does not occupy more than 25% of the gross floor area, and does not include open air storage of materials, equipment or merchandise, except as provided in subparagraph (n) above. *Accessory use shall not include the preparation and sale at retail of food to be consumed off premises whether by a restaurant, café, soda or ice cream fountain.*

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§ 14-309. Area Shopping Center District.

* * *

(2) Use Regulations.

* * *

(g) restaurant, café, catering, or soda or ice cream fountain, including outdoor dining areas;

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SECTION 2. This Ordinance shall take effect immediately.

Explanation:
[Bracket] indicates matter deleted.
Italics indicate new matter added.

City of Philadelphia

BILL NO. 040999 continued

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City of Philadelphia

BILL NO. 040999 continued

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on December 16, 2004. The Bill was Signed by the Mayor on February 16, 2005.



Patricia Rafferty
Chief Clerk of the City Council