



City of Philadelphia

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

BILL NO. 150057

Introduced January 29, 2015

Councilmember Squilla

**Referred to the
Committee on Rules**

AN ORDINANCE

Amending Title 14 of The Philadelphia Code, entitled "Zoning and Planning," by providing for the use and regulation of mobile food vendors; amending Chapter 9-200 of The Philadelphia Code, entitled "Commercial Activities on Streets," by revising certain provisions and adding definitions to provide for mobile food vendors; making conforming amendments to other provisions of The Philadelphia Code; and making technical changes, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 9-200 of The Philadelphia Code is hereby amended to read as follows:

CHAPTER 9-200. COMMERCIAL ACTIVITIES ON STREETS.

§ 9-203. Street Vendors.

(1) Definitions. In this Section, the following definitions apply:

(a) Street Vendor. Any person travelling by foot, wagon, motor vehicle or any other type of conveyance from place to place, house to house or street to street or on property owned or controlled by the City of Philadelphia carrying, conveying, or transporting goods, wares or merchandise and offering and exposing them for sale, or making sales and delivering articles to purchasers; or who without travelling from place to place, sells or offers for sale products from a wagon, handcart, pushcart, motor vehicle, stand, conveyance or from his person who submits orders, and as a separate transaction, makes deliveries to purchasers. A "street vendor" shall include any "vendor", "peddler", "hawker", "huckster", ["itinerant merchant"] *"itinerant merchant," "mobile food vendor"*

City of Philadelphia

BILL NO. 150057 continued

or "transient vendor" but shall exclude any vendor licensed under Section 9-201 or Section 9-213.

* * *

(e) Mobile Food Vendor. A self-contained food service operation, located in a readily movable motorized vehicle with wheels or in a vehicle with wheels capable of being towed by a motorized vehicle, designed for the preparation, display and service of food and beverages to patrons, but not including pushcarts.

* * *

(7) Prohibited Conduct. No vendor or person shall:

* * *

(k) leave any conveyance unattended at any time or store, park, or leave same overnight on any city [sidewalk, nor park, store or leave any vehicle other than in a lawful parking place] *sidewalk or street, or on any private property, unless the Department approves a mobile food vendor to remain overnight in connection with a special event sponsored by the City.*

* * *

SECTION 2. Title 14 of The Philadelphia Code is hereby amended to read as follows:

TITLE 14. ZONING AND PLANNING.

* * *

CHAPTER 14-600. USE REGULATIONS.

* * *

§ 14-601. Use Categories.

* * *

(7) Commercial Services Use Category.

City of Philadelphia

BILL NO. 150057 continued

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:

* * *

(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:

* * *

(.4) Mobile Food Vendor.

As defined in Section 9-203 (Street Vendors).

* * *

§ 14-602. Use Tables.

* * *

(4) Commercial Districts.

Principal uses are allowed in Commercial districts in accordance with Table 14-602-2. Uses classified as accessory uses, such as home occupations, are not regulated by the use table. Accessory uses are permitted in conjunction with allowed principal uses, provided they comply with all applicable regulations of § 14-603 (Use-Specific Standards) and § 14-604 (Accessory Uses and Structures).

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	
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City of Philadelphia

BILL NO. 150057 continued

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									

* * *

Eating and Drinking Establishments (as noted below)									
Prepared Food Shop	S[5]	Y	Y	Y	Y	Y	Y	Y	
Take-Out Restaurant	N	S	N	Y	Y	Y	S	Y	§ 14-603(6)
Sit Down Restaurant	N	Y	Y	Y	Y	Y	Y	Y	
Mobile Food Vendor	N	N	N	N	Y	Y	N	N	§ 14-603(20)

* * *

(5) Industrial Districts.

Principal uses are allowed in Industrial districts in accordance with Table 14-602-3. Uses classified as accessory uses, such as home occupations, are not regulated by the use table. Accessory uses are permitted in conjunction with allowed principal uses, provided they comply with all applicable regulations of § 14-603 (Use-Specific Standards) and § 14-604 (Accessory Uses and Structures).

* * *

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

* * *

Previous District Name	New	L4/L-5	L1/L2/L3	G1/G2	LR	PI	
District Name	IRMX	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(5)(a) (Notes for Table 14-602-3) for information pertaining to bracketed numbers (e.g., “[2]”) in table cells.							
Commercial Services Use Category							

* * *

Eating and Drinking Establishments	Y	Y	N	N	N	N	§ 14-603(6)
Mobile Food Vendor	N	Y	Y	Y	Y	N	§ 14-603(20)

* * *

City of Philadelphia

BILL NO. 150057 continued

§ 14-603. Use-Specific Standards.

* * *

(20) *Mobile Food Vendors.*

(a) *Mobile food vendors are subject to all applicable provisions of Section 9-203 (Street Vendors), Title 6 (Health Code) and all applicable regulations adopted in accordance with such provisions and with this subsection.*

(b) *Zoning Permit.*

(.1) *At the time of application for the zoning permit, the applicant shall submit a site plan showing:*

(.a) *The dimensions of the property and the location of any other structures on the lot;*

(.b) *The dimensions and proposed location of the mobile food vendor or vendors;*

(.c) *Compliance with any set back requirements of this Zoning Code;*

(.d) *Compliance with the spacing requirements of subsection 9-203(7)(c), in the case where more than one mobile food vendor is to be located on a single lot; and*

(.e) *Any other information required by L&I.*

(.2) *No more than one mobile food truck shall be permitted on a single lot at the same time, unless L&I determines, upon review of the site plan, that the lot is large enough to accommodate more than one mobile food vendor.*

(.3) *Only one zoning permit shall be required for multiple food vendors on a single lot.*

(.4) *Exemptions from Zoning Permit.*

(.a) *A zoning permit is not required for a mobile food vendor servicing a private catering event provided:*

City of Philadelphia

BILL NO. 150057 continued

and (i) *Service is limited to private guests of the catering host;*

(ii) *The event occurs within a 24 hour period.*

(.b) *A zoning permit is not required for a mobile food vendor located on municipal property. For purposes of this subsection, municipal property is defined as any land that is owned by the City, or in which the City possesses rights sufficient to permit it to authorize the placement of a mobile food vendor on such land.*

(c) *Permitted Locations.*

(.1) *Mobile food vendors are permitted in zoning districts, as set forth in Table 14-602-2 (Uses Allowed in Commercial Districts) and Table 14-602-3 (Uses Allowed in Industrial Districts), with the permission of the owner of the property or authorized agent, provided the proposed location is within a permitted area under subsection (.2) below.*

(.2) *Mobile food vendors shall be permitted in the following areas:*

{Reserved}

(.3) *Mobile food vendors shall be permitted to operate on parking lots, provided they do not operate on any portion of a parking lot, where the vending vehicle would reduce the number of parking spaces to fewer than the required minimum for that lot, or where it would block any of the following: a parking aisle, access to loading or service areas, emergency access, or a fire lane, and provided further that the vending vehicle shall not operate within fifteen (15) feet in all directions from any fire hydrant, fire department connection, driveway entrance, alley or handicapped parking space.*

(d) *Prohibited Locations.*

A mobile food vendor shall not be located on any historic site, listed on the Philadelphia Register of Historic Places or the National Register of Historic Places.

(e) *Operation.*

(.1) *Any mobile food vendor permitted under this subsection 14-603(20) shall :*

(.a) *Refrain from conduct prohibited under § 9-203(7) (Street Vendors);*

City of Philadelphia

BILL NO. 150057 continued

(.b) *Display, at all times on the vehicle, a current license to vend in accordance with § 9-203(2), and the name of the owner or operator of the mobile food vendor;*

(.c) *Display at all times, in a location visible to patrons, the name and contact information for the property owner or authorized agent who has given permission for the operation of the mobile food vendor on the property;*

(.d) *Provide appropriate lighting, if the mobile food vendor operates after dark;*

(.e) *Operate only during the hours permitted by § 9-203(7)(1) (Prohibited Conduct), unless the property owner limits the vendor to fewer hours of operation;*

(.f) *Remain on the property no more than one hour before and one hour after its permitted hours of operation;*

(.g) *Refrain from using any loud speakers or amplified sound;*

(.h) *Provide a location upon the mobile food vendor for any generators;*

(.i) *Provide at least one trash receptacle and one recycling receptacle, for use by patrons, in a location that does not interfere with pedestrian or vehicular traffic;*

(.j) *At the end of each day, collect and remove all trash and debris, generated on the property by the mobile food vendor and its patrons; and*

(.k) *Be located to prevent interference with visibility at any driveway or intersection or with pedestrian ingress and egress with respect to the property.*

(f) *Signs.*

No signs, except the following, shall be permitted:

(.a) *Signs permanently attached to the mobile food vending vehicle; and*

City of Philadelphia

BILL NO. 150057 continued

(.b) One portable non-digital menu sign, no more than 12 square feet, located on the ground in the customer service area, provided that any portable menu sign shall be removed at the end of operating hours.

* * *

SECTION 3. This Ordinance shall become effective 30 days after it becomes law.

Explanation:

[Brackets] indicate matter deleted.

Italics indicate new matter added.