

## Legislation Text

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**File #:** 180107, **Version:** 0

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Amending Section 9-627 of The Philadelphia Code, entitled “Commercial Establishments on Residential Blockfaces,” by revising requirements and making related changes, under certain terms and conditions.

*THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

SECTION 1. Section 9-627 of The Philadelphia Code is hereby amended to read as follows:

§ 9-627. [Commercial Establishments on Residential Blockfaces.] *Take-Out Restaurants.*

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(3) Definitions.

(a) *Block.* One side of a street that does not extend beyond any intersection with another street.

[(a)] (b) Commercial Establishment. An establishment involved in the buying and selling of goods [where consumers primarily purchase goods intended for consumption or use off premises].

[(b)] Dwelling. A building which is used or intended to be used exclusively for living or sleeping by human occupants.]

[(c)] Residential Blockface. One side of a segment of a street that does not extend beyond any intersection with another street, or a portion thereof, and where eighty percent (80%) or more of the buildings are dwellings. A blockface shall not be considered a residential blockface if, geographically, fifty percent (50%) or more of the block frontage is comprised of commercial establishments.]

(c) *Commercial Block.* A block that is zoned entirely commercial or commercial mixed-use.

(d) Take-out Restaurant. [A commercial establishment engaged in the preparation and retail sale of food and beverages where the serving of prepared food and/or beverages in disposable packaging and/or containers for consumption by patrons off the premises constitutes more than fifty (50) percent of the establishment's gross revenues.] *An establishment, the principal use of which is the preparation or service of food or beverages for retail purchase; and that either has no more than ten seats available for consumption of food or beverages by customers or has no restroom available for customers. A restroom accessible only by walking through a food preparation area shall not qualify as available for customers.*

(4) Prohibited Conduct. [Notwithstanding any other provision of this Code, no commercial

establishment located on a residential blockface shall be open to the public between 11 P.M. and 6 A.M. For purposes of this ordinance, the location of a commercial establishment shall be determined by the street address assigned by the Board of Revision of Taxes under Section 19-1304(2). Where a take-out restaurant is located on a corner lot where two streets intersect, such establishment shall be considered to be located on a residential blockface if either of the streets which intersect at that corner meet the definition of residential blockface under this Section, notwithstanding the establishment's assigned street address.] *Except as provided in subsection (5), below, no take-out restaurant shall be open to the public between midnight and 6 A.M., unless each of the following is satisfied:*

*(a) The take-out restaurant is on a commercial block. If the take-out restaurant is located on a corner lot, both intersecting streets must be commercial blocks.*

*(b) The take-out restaurant displays in a manner easily visible by customers a poster, provided by the Department, indicating that the establishment is permitted to remain open during such hours.*

[(5) Required Posting. Every commercial establishment located on a residential blockface must display a poster, supplied by the Department of Licenses and Inspections upon the payment by the establishment of a reasonable fee, which indicates that the establishment is subject to the terms of this Ordinance. The poster shall be prominently displayed in a conspicuous place which can be readily observed by passersby at or near the entrance to the establishment.]

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