



City of Philadelphia

Philadelphia, PA 19107

BILL NO. 040999

Introduced November 18, 2004

Councilmembers Miller, Tasco, Mariano, Clarke and DiCicco

**Referred to the
Committee on Rules**

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; by amending Area Shopping Center District to permit take out restaurants; 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.

* * *

§14-102. Definitions.

* * *

(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;

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§14-303. “C-2” Commercial District.

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* * *

(2) Use Regulations –Without Certificate.

* * *

(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.*

* * *

§14-309. Area Shopping Center District.

* * *

(2) Use Regulations.

* * *

(g) restaurant, café, catering, or soda or ice cream fountain, including outdoor dining areas; *restaurant serving patrons who remain in their automobiles; take-out restaurant; delicatessen; and restaurant, café or soda fountain which dispenses food at retail through a window or aperture opening on to the sidewalk or public arcade area;*

* * *

SECTION 2. This Ordinance shall take effect immediately.

Explanation:
[Brackets] indicate matter deleted.

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Italics indicate new matter added.

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