

## FAQ:

# Am I allowed to provide outside seating as part of my restaurant?

### Background:

There are certain uses that the zoning code requires to be within enclosed structures. A restaurant use (referred to as Eating and Drinking Establishments by the code) does not explicitly state where the use is permitted to exist within a lot.

### Answer:

In most cases, yes – The zoning code does not limit the location of Eating and Drinking Establishments to enclosed structures; therefore, the zoning code would permit these uses to exist anywhere on the property.

### Additional Notes:

There are a few caveats to consider:

1. **Previous Provisos:** The zoning history of a property must be considered in order to answer this question. If the property has received a variance in the past, it is possible that a proviso was added to the variance that would prohibit outdoor seating. If this is the case, outdoor seating is not permitted. You have the option of submitting an application, receiving a refusal from L&I and appealing that decision to the ZBA.
2. **Building Code Requirements:** Adding additional seating requires a building permit to ensure that the seating is code compliant. During the course of this review, L&I will determine if the new seating is provided with adequate egress and that the restaurant has enough bathrooms to meet the additional demand.
3. **Seating on the Right of Way:** If you are proposing seating on the right of way (sidewalk) adjacent to the restaurant, a sidewalk café license is required.

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### Questions?

Call 311 or (215) 686-8686 (if outside Philadelphia) or submit a permit-related question online via <https://form.jotform.com/81494420572154>.

### Disclaimer:

This interpretation, policy or code application is intended to provide guidance to staff for consistency of review and is subject to change without notice. Application of this interpretation, policy or code application to specific projects may vary. There may be other ways to comply with the Code. If so, you are not required to use this method. You may want to investigate other options, or consult with a professional identifying an equally code compliant solution.

### L&I Permit and License Center

1401 John F. Kennedy Blvd., Municipal Services Building, Public Service Concourse  
Open 8 a.m. to 3:30 p.m., Monday through Friday. Offices close at noon on the last Wednesday of each month.