

Information Sheet: Temporary Use Permits

Background:

Regulations have been enacted to allow the Department of Licenses and Inspections (L&I) to issue temporary use permits to allow restaurants, retail stores and personal service uses to expand their businesses to the outdoors. L&I can issue these temporary use permits if the application meets certain criteria, as explained below.

What uses are permitted under the regulations?

The regulations permit the following:

- Existing Eating and Drinking Establishments, Retail Sale and Personal Services uses are permitted to conduct their business within their property lines but outside of their structure, taking into account the following:
 - Any limitations imposed by previous variances still apply (i.e. If a previous proviso indicated that no outside activity is permitted, that provision still applies)
 - The parking provisions of the zoning code are not applicable, in other words, a use can expanded into an accessory parking lot.
- Eating and Drinking Establishments, Retail Sale and Personal Services may operate on a lot (including a vacant lot) or an open portion of a lot, if permitted in the base zoning district.
 - The provisions of overlay districts are not applicable.
 - The parking provisions of the zoning code are not applicable.

If the applicant is not the owner of the lot, the owner must agree to allow the applicant to use the lot. (see “Can I apply for a temporary use permit on a lot that I do not own if I have permission from the property owner?” below).

Can I have a sign to advertise my temporary use?

Each lot or outdoor area at which a use authorized under this regulation is allowed shall be permitted to have one (1) portable sign. The sign is permitted to be 10 square feet in area and no more than 5 feet in height. Portable signs shall be temporarily secured to resist rolling, blowing away, tipping over, or otherwise moving from their secured location.

Can I erect a tent accessory to my temporary use?

Temporary tents may be utilized in connection with such uses authorized under this regulation. A separate [Tent Permit](#) is required to erect a tent if it exceeds 400 square feet in area or if it is heated.

Are there additional restrictions or conditions associated with temporary use?

The following restrictions and conditions apply to temporary uses:

- Outdoor operations may only operate between 8 a.m. and midnight.
 - Last call for all dining orders will be at 11 p.m. and establishments will be required to be closed for service by midnight. All patrons must be vacated by no later than 12:30 a.m.
- Businesses must ensure that its patrons and employees do not commit a private or public nuisance. In addition, there shall be no amplified music and no performance acts or similar activities

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- Trash storage must comply with Section 308 of the Philadelphia Property Maintenance Code. Trash collection must comply with the regulations of the Philadelphia Streets Department.
- Open fire pits are prohibited. All outdoor heating appliances must comply with applicable provisions of Title 4 of The Philadelphia Code, including Section 307 of the Philadelphia Fire Code.
- Operations must comply with the Commonwealth's and Mayor's Orders on business activity and public gatherings generally.

Do I need to submit plans?

No, plans do not need to be submitted. An application must be submitted with a full description of the scope of the proposal.

Are any other permits or licenses required?

- The operator and any vendors on-site must possess a [Commercial Activity License](#).
- Any entity serving food and/or drink must possess the appropriate [Food Preparation and Serving license](#).
- If a dumpster is utilized for trash storage, a [Dumpster License](#) is required.
- If a tent is erected, a [Tent Permit](#) demonstrating compliance with the Philadelphia Fire Code is required.
- Separate [Electrical](#) and [Plumbing Permits](#) are required for any temporary wiring or plumbing connections.
- Separate [Building Permits](#) are required for any structures occupied by the public.
- Liquor licenses are regulated by the [Pennsylvania Liquor Control Board](#).

Can I apply for a temporary use permit on a lot that I do not own if I have permission from the property owner?

A tenant is generally allowed to apply for a permit with the owner's permission. In this situation, you are acting as a tenant who has the owner's permission, so you can apply for a temporary use permit to use the owner's lot for outdoor restaurant seating,

What if my proposal falls outside of what is permitted by the Regulations?

If your proposal falls outside of the parameters of the regulation, the application will be reviewed as a standard Zoning and Use Registration Permit Application. If the proposal does not comply with the code, a refusal will be issued.

How long will the review of my application take and how much does the permit cost?

- A temporary use permit will be reviewed within three (3) business days from the date of application.
- A temporary use permit authorized under this regulation costs \$30. The permit fee is due at the time that the application is filed.

When does this temporary permit expire?

A temporary use permitted under these regulations shall be valid until December 31, 2021.

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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.

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