Department of
Licenses and Inspections
CITY OF PHILADELPHIA

Reference Code(s):

Philadelphia Zoning Code
Philadelphia Building Code
Philadelphia Code, Title 9

FAQ:
Do I need permits or licenses for a pop-up beer garden or restaurant?

Background:

Seasonal, outdoor establishments have become increasingly popular over the past several years. These establishments are generally assembly spaces with less than 500 occupants, that serve food and/ or drink,and are operational for more than 15 but less than 180 days in a calendar year.

Due to the temporary nature of these establishments, there are many questions pertaining to permitting and licensing requirements.

This FAQ serves to provide clarification around permitting and licensing requirements for outdoor establishments described above. It does not apply to assembly occupancies on or in structures, including piers, outdoor spaces that are associated with an adjacent restaurant or assembly space within a building,or assembly occupancies with 500 or more persons.

Answer:

Yes, permits and licenses are required; however, there may be some exemptions based on the length ofoperation.

Zoning Permits

The Zoning Code does not provide exemptions for temporary uses or structures. Zoning permits are required for the following:

- The use of the lot, which is usually classified as a sit-down restaurant or a take-out restaurant. If you pay for your food/drink at a counter before consumption and the food/drink is on disposable ware, it will fall under a take-out restaurant. If the lot is already approved for this use and there are no restrictions imposed under a previous variance, you do not require a new use permit.
- All structures on the lot. Structures may include covered searing areas, bathroom trailers, service trailers/kiosks, and stationary vending trucks.
- Mobile vending trucks. Mobile vending trucks require permits for on-site parking and the site must include a legal, curb-cut.
- Fencing, unless otherwise exempt by the Zoning Code. Review our FAQs on Fencing.

Construction Permits

- A Building Permit is required for all structures occupied by the general public and they are evaluated as temporary structures. This includes public seating areas that are covered or enclosed, even if using shipping containers or other prefabricated structures. This includesbathroom trailers but does not include individual portable toilets or tents.
- A Building Permit is not required for structures that are not occupied by the general public. This includes services trailers/ kiosks but does not include tents.
- A Tent Permit is required for all tents.

- A Plumbing Permit is required for all on-site connections.
- An Electrical Permit is required for on-site wiring, connections, and temporary generators.
- A Mechanical Permit is not required.

Note: All construction must comply fully with the Philadelphia Building Construction and Occupancy Code,even if exempt from permitting.

Licenses

- 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.
- A Special Assembly Occupancy License is required where the establishment offers social entertainment, like dancing, live music, or a DJ.
- If a dumpster is utilized for trash storage, a Dumpster License is required.
- Liquor licenses are regulated by the Pennsylvania Liquor Control Board.

Additional FAQs:

How many plumbing fixtures are required?

It is recommended that the minimum number of plumbing fixtures comply with Table 403.1 of the Philadelphia Plumbing Code based on the estimated number of occupants. The number of toilet rooms for an outdoor establishment is not regulated under the building permit.

Are gender-neutral bathrooms required?

All single-user toilet facilities, including accessible, family or assisted use toilet rooms, must bedesignated for use by any person.

Do accessibility requirements apply?

Even if a permit is not is required based on the conditions, the owner is responsible to comply with accessibility and other requirements of the Philadelphia Code. These requirements include accessible toilet facilities and service points.

Is the occupant load restricted?

Only the occupant load of structures occupied by the public is regulated; however, the Departmentmay require a minimum number of points of egress if the lot is enclosed.

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Are there any requirements for kitchen hoods?

While a permit is not required if cooking occurs in a non-public structure, commercial kitchen hoodsmust be provided and installed in accordance the 2018 Philadelphia Mechanical Code.

Are there any operational restrictions?

All operations must comply with the Philadelphia Fire and Property Maintenance Code. Somecommon issues:

- Open fire pits are prohibited. All appliances must comply with Section 307 of the Philadelphia Fire Code.
- 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.

Additional restrictions may be imposed by other government departments or agencies.

How should I proceed if I plan on returning next year?

- If all components are being removed from the site, you must re-apply for all construction permits. Zoning permits will remain valid.
- If you are leaving the components on-site beyond 180 days, they become permanent. Permits are required for structures that are not occupied by the public and any public structures permitted as temporary must be re-evaluated as permanent structures. Complete application requirements apply, and concealed elements may have to be exposed for inspection.

Questions?

Call 311 or (215) 686-8686 (if outside Philadelphia) or submit an online form via http://www.phila.gov/li/get-help.

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.