

ORDINANCE NO. 3746

AN ORDINANCE to amend and reordain Section 1-400 (INTERPRETATION OF ORDINANCE) of Article I (GENERAL REGULATIONS) (TA No. 94-002), and to add a new Section 2-146.1 (FOOD COURT) (TA No. 94-007) to Article II (DEFINITIONS), all of the City of Alexandria Zoning Ordinance.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That paragraph (3) of Section 1-400(B) of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as follows:

(3) Maximum floor area ratio and maximum density shall be calculated as follows:

(a) In every zone, the maximum floor area ratio and maximum density specified for the zone shall be determined on the basis of the gross area of the lot or tract of land involved, which shall include:

(1) Areas to be dedicated for street purposes that are in excess of:

(a) 30 feet from the center line in the instance of property located in the R-20 through R-2-5 zones, inclusive.

(b) 33 feet from the center line in the instance of property located in each of the other zones.

(2) Areas located within fire, emergency vehicle, buffer, scenic, channel, bicycle, utility, park or sewer easements.

(b) Except as provided in subparagraph (c) below, compliance with floor area ratio and density requirements shall be determined separately for each individual lot of record.

(c) An applicant for a special use permit for a CDD pursuant to section 5-602(D), for development in a CRMU zone or for a cluster development may request that the land covered by the application be treated as a "tract" for purposes of calculating floor area ratio and density so as to achieve an overall figure that meets the requirements of the zone without regard to compliance on a lot by lot basis.

Section 2. That Article II of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended by adding thereto a new Section 2-146.1, to read as follows:

Section 2-146.1 Food court.

A food court is a restaurant use distinguished by common seating, more than one vendor and a common entrance. A food

court shall contain at least three vendors, of which at least two shall be vendors of quick, carry-out type foods. A food court may include one or more full service restaurants, provided that the number of seats set aside for exclusive seating for full service restaurants shall not exceed 50% of the food court's total seating. Except as otherwise expressly provided by special use permit condition, not more than one full service restaurant shall be permitted within a food court and not more than two thirds of the food court vendors (including any full service restaurants) may offer alcoholic beverages for consumption on the premises. For purposes of this section, a full service restaurant is a restaurant use with any of the following characteristics: exclusive seating, distinct bar area or areas, host/hostess seating of patrons, waiter/waitress service at table, menu cards for individual ordering at table, or table settings of silverware, glassware and/or table linens. For purposes of this section, exclusive seating means seating attended by waiters/waitresses employed by or under the control of a full service restaurant. This definition shall apply to any existing uses specifically approved by special use permit as a food court or food court restaurant prior to June 28, 1994, and, as to past and future food court approvals, shall preempt any descriptions in applications or representations but shall not preempt express conditions of the approval therefor.

Section 3. That Section 1-400, and Article II, of the City of Alexandria Zoning Ordinance, as amended by this ordinance, be, and the same hereby are, reordained as part of the City of Alexandria Zoning Ordinance.

Section 4. That this ordinance shall become effective upon the date at the time of its final passage, and shall apply to all applications for land use or land development approval provided for under the City of Alexandria Zoning Ordinance which on such date are pending before any city department, agency or board, or before city council, or on judicial review, shall apply to all such applications which may be filed after such date, and shall apply to all other facts and circumstances subject to the provisions of the City of Alexandria Zoning Ordinance, except as may be provided in Article XII of said ordinance; and, further that Section 2 of this ordinance shall apply to the food court restaurant, located at 5 Cameron Street/201 North Union Street, approved by Special Use Permit No. 1945, by city council on October 18, 1986, as subsequently amended by city council, and shall operate legislatively to reverse the decision of the Board of Zoning Appeals of the City of Alexandria, in Appeal of Bruce E. Clubb, BZA Case No. 6361, February 17, 1994.

PATRICIA S. TICER  
Mayor

Final Passage: June 28, 1994