

STATE OF GEORGIA

COUNTY OF CLAYTON

ORDINANCE NO. 2015-135

AN ORDINANCE TO AMEND *CODE OF CLAYTON COUNTY, GEORGIA*, AS AMENDED, SPECIFICALLY PART II, APPENDIX A “ZONING”, ARTICLE 1 “BASIC PROVISIONS”, SECTION 1.5 “DEFINED WORDS” SO AS TO DELETE THE DEFINITION FOR THE TERM “RESTAURANT” AND INSERT IN LIEU THEREOF A NEW DEFINITION; TO REPEAL CONFLICTING LAWS, ORDINANCES, AND RESOLUTIONS TO PROVIDE SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND FOR OTHER PURPOSES.

WHEREAS, the Board of Commissioners has determined there is a need to revise Article 1 “Basic Provisions”, Section 1.5 “Defined Words”.

NOW THEREFORE, BE IT ORDAINED BY THE CLAYTON COUNTY

BOARD OF COMMISSIONERS AND IT IS HEREBY ORDAINED

PART I

Section 1. The Clayton County Zoning Ordinance, as amended, is hereby further amended by deleting Article 1 “Basic Provisions”, Section 1.5 “Defined Words” definition for “Restaurant” and substituting in lieu thereof a new definition to read as follows:

“ARTICLE 1. – BASIC PROVISIONS

Sec. 1.5 – Defined Words.

Restaurant: Means a food serving establishment for the preparation, serving, and consumption on the premises of meals, which may include breakfast, lunch, or dinner. The establishment, including diners, coffee shops, cafeterias, cafes, luncheonettes, lunchrooms, catering establishments, and similar facilities by whatever name called shall have adequate kitchen and dining equipment.

Such establishments must have a minimum seating capacity of 50 (fifty) in order to serve beer, wine and distilled spirits to be consumed on the premises as only incidental thereto.

The term shall not mean a "food sales establishment," as defined in the O.C.G.A. § 26-2-21, and which does not provide seating or facilities for consumption of food on the premises.”

PART II

(a) It is hereby declared to be the intention of the Board of Commissioners that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the Board of Commissioners to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase therein. It is hereby further declared to be the intention of the Board of Commissioners, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Board of Commissioners that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

PART III.

All Ordinances or parts of Ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

PART IV.

The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

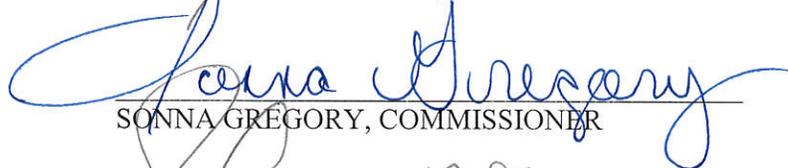
SO ORDAINED this 19th day of May 2015.

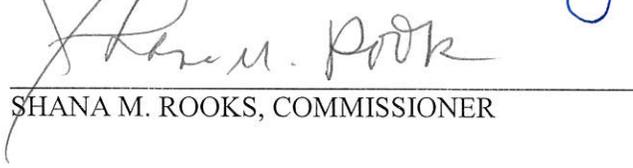
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