

CHAPTER 10. - O-I OFFICE-INSTITUTIONAL DISTRICT REGULATIONS

Sec. 16-10.001. - Scope of provisions.

The regulations set forth in this chapter, or set forth elsewhere in this part when referred to in this chapter, are the regulations in the O-I Office-Institutional District Regulations.

(Code 1977, § 16-10.001)

Sec. 16-10.002. - Statement of intent.

The intent of this chapter in establishing the O-I Office Institutional District is as follows:

- (1) To provide for office, institutional, and residential development with accessory supporting services, but without general commercial development.
- (2) To protect existing complexes of this character, or where the comprehensive plan indicates that other general areas are appropriate for such use.
- (3) To provide mixed use development.

(Code 1977, § 16-10.002)

Sec. 16-10.003. - Permitted principal uses and structures.

A building or premises shall be used only for the following principal purposes:

- (1) Repealed.
- (2) Churches, synagogues, temples, mosques and other religious worship facilities, having a minimum lot area of at least one acre.
- (3) Clubs and lodges.
- (4) Colleges and universities, trade schools (except those having an external industrial character), business colleges and similar institutions.
- (5) Repealed.
- (6) Child care centers, day care centers, prekindergartens, kindergartens, play and other special schools for young children.
- (7) Dormitories, fraternity houses and sorority houses, officially affiliated with an accredited college, university or private school and only for the time period that such affiliation is in effect, such that loss of affiliation shall result in the loss of permission for the use.
- (8) Hospitals.
- (9) Multi-family dwellings.
- (10) Auditoriums, museums, libraries, galleries and similar cultural facilities; community centers and community services facilities.
- (11) Offices, studios, clinics (other than veterinary) and clinic laboratories, but not blood donor stations except in conjunction with a hospital.
- (12) Public schools or private schools having similar academic curricula and special schools for exceptional children.

- (13) Repealed.
- (14) Single-family dwellings and two-family dwellings.
- (15) Structures and uses required for operation of MARTA or of a public utility, except uses involving storage, train yards, warehousing, switching, or maintenance shop as the primary purpose.
- (16) Hotels, containing no more than 100 rooms and not exceeding 75 feet in height. Further, said hotels shall contain no more than a total of 500 square feet of floor area devoted to meeting rooms, convention facilities, or ballrooms and shall contain no food or beverage service facilities except those designed to serve only the occupants of the hotel and their guests.
- (17) Supportive housing.
- (18) Urban gardens.
- (19) Market gardens.
- (20) Secured storage facility except when any part of the property is within 500 feet of the beltline corridor as defined in City Code section 16-36.007. An existing secured storage facility within 500 feet of the beltline corridor may be redeveloped at its existing floor area ratio and consistent with the requirements of this part.
- (21) Mixed-use storage facility except when any part of the property is within 500 feet of the beltline corridor as defined in City Code section 16-36.007. An existing mixed-use secured storage facility within 500 feet of the beltline corridor may be redeveloped at its existing floor area ratio and consistent with the requirements of this part.

Except for off-street parking, market gardens, and other authorized outdoor uses, all commercial, sales and service activities shall be within completely enclosed buildings, and there shall be no unenclosed displays of merchandise. No wholesaling or jobbing shall be conducted from within the district. No wholesaling or jobbing shall be conducted from within the district.

(Code 1977, § 16-10.003; Ord. No. 1996-06, § 1, 2-12-96; Ord. No. 2004-53, § 13A, 8-20-04; Ord. No. 2005-21, §§ 1, 2, 3-25-05; Ord. No. 2008-62(06-O-0038), §§ 4B(1), 5D, 7-7-08; Ord. No. 2009-24(08-O-1251), § 2C, 6-9-09; Ord. No. 2014-22(14-O-1092), § 2-M, 6-11-14; Ord. No. 2015-55(15-O-1413), § 1, 11-11-15; Ord. No. 2017-68(17-O-1159), §§ 1, 2, 11-29-17)

Sec. 16-10.004. - Permitted accessory uses and structures.

Uses and structures which are customarily incidental and subordinated to permitted principal uses and structures, to include devices for the generation of energy such as solar panels, wind generator and similar devices including electric vehicle charging stations equipped with Level 1 Level 2 and/or DC Fast Charge EVSE. And in addition the following retail uses subject to the limitations set forth herein:

- (1) Apothecary shops, optical shops, shops for sale of prosthetic appliances, hearing aids and the like;
- (2) Barbershops, beauty shops and similar personal service establishments;
- (3) Eating and drinking establishments including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits;
- (4) Establishments for sale of convenience goods. Package stores are expressly prohibited as an accessory use in this district.

Such establishments shall be located, designed and scaled to meet the needs of employees, patients, patrons, or visitors wholly within buildings containing the principal uses to which they are accessory. Total floor area in such accessory establishments shall not exceed ten percent of the total floor area of a building of up to 50,000 square feet, or five percent of additional floor area.

(Code 1977, § 16-10.004; Ord. No. 1995-42, § 3, 8-28-95; Ord. No. 2004-52, § 1, 8-20-04; Ord. No. 2005-41(06-O-0381), § 6, 7-12-05; Ord. No. 2014-53(14-O-1278), § 2(Attach. B), 12-10-14)

Sec. 16-10.005. - Special permits.

The following uses are permissible only by special permit of the kind indicated, subject to limitations and requirements set forth herein or elsewhere in this part:

(1) *Special use permits:*

- (a) Cemeteries and mausoleums.
- (b) Repealed.
- (c) Outdoor amusement enterprises, exhibits, entertainments, meetings, displays or sales areas or outdoor areas for religious ceremonies of 90 days' duration or more.
- (d) Helicopter landing facilities or pickup or delivery stations.
- (e) Nursing homes, personal care homes assisted living facilities and rehabilitation centers;
- (f) Broadcasting towers and line-of-site relay devices for telephonic, radio or television communications greater than 70 feet in height, except 1) alternative design mounting structures and 2) new or additional uses of existing structures as contemplated by section 16-25.002(3)(i)(iv)(k).
- (g) Parks; playgrounds, stadiums, baseball or football fields, golf course, sports arena, and community centers.
- (h) Shelter.

(2) *Special administrative permits:*

- (a) Outdoor amusement enterprises, exhibits, entertainments, meetings, displays or sales areas or outdoor areas for religious ceremonies of less than 90 days' duration.
- (b) Zero-lot-line development. See section 16-28.011(6).
- (c) Farmers' markets.
- (d) Broadcasting towers and line-of-site relay devices for telephonic, radio or television communications 70 feet or less in height, alternative design mounting structures, and new or additional uses of existing structures as contemplated by section 16-25.002(3)(i)(iv)(k).
- (e) Whenever an application for such a permit is made, the director of the bureau of planning shall provide prior notification to the pertinent district councilmember and at-large councilmembers.
- (f) Reduction of parking requirements may be permitted by the director of the office of zoning and development subject to a shared parking arrangement under the following criteria:
 - i. The arrangement shall avoid conflicting parking demands and provide for safe pedestrian circulation and access;
 - ii. All shared parking spaces shall be clearly marked; and
 - iii. An applicant shall submit the following information as part of the application to reduce parking requirements and avoid conflicting parking demands:

- a. A to-scale map indicating location of proposed parking spaces;
- b. Hours of business operation of nonresidential parking users;
- c. Written consent of property owners agreeing to the shared parking arrangement;
- d. Copies of parking leases. Renewed leases shall be filed with the bureau of planning. Lapse of a required lease agreement shall terminate the special administrative permit for shared parking.

(3) *Special exceptions:* Churches, synagogues, temples, mosques and other religious worship facilities, where lot area is less than one acre.

(Code 1977, § 16-10.005; Ord. No. 1997-06, § 4, 2-10-97; Ord. No. 1997-65, § 1, 11-10-97; Ord. No. 2001-96, §§ XXIV, XXV, 12-12-01; Ord. No. 2004-53, §§ 13B, 13C, 8-20-04; Ord. No. 2005-21, §§ 1, 2, 3-25-05; Ord. No. 2008-62(06-O-0038), §§ 3L, 6A, 7-7-08; Ord. No. 2009-24(08-O-1251), § 2C(1), 6-9-09; Ord. No. 2011-39(10-O-1773), § 3M, 9-15-11; Ord. No. 2019-09(18-O-1581), § 7.A, 1-31-19)

Sec. 16-10.006. - Transitional uses, structures, requirements.

(1) *Transitional height planes.*

- (a) No portion of any structure shall protrude through a height limiting plane beginning the specified number of feet above the point set forth in subsection 16-10.006(1)(b) below and extending inward over the O-I district at an angle of 45 degrees. The following districts shall be considered "protected districts" for purposes of this section 16-10.006(1):
 - i. R-1 through R-5;
 - ii. RG-1 and RG-2;
 - iii. MR-1, MR-2, and MR-MU; and
 - iv. Landmark, Historic, PD, and SPI districts and district subareas having uses and densities predominantly similar to those permitted in the district classifications listed in subsections (i) through (iii) above.
- (b) Proximity to districts and measurement applications:
 - i. For parcels in an O-I district that are contiguous to a protected district, the transitional height plane shall be measured beginning 35 feet above the required O-I setback or transitional yard adjoining the common property line with such protected district.
 - ii. For parcels in an O-I district that are not contiguous to but are within 150 feet of a protected district, the transitional height plane shall be measured beginning 15 feet above the nearest lot line of the protected district, provided this transitional height plane shall not extend more than 150 linear feet (measured along the ground) from the protected district up to and into the O-I district. (See diagrams at section 16-29.001(62).)
- (c) The purpose and intent of this provision is to provide protection for the named protected districts from nearby looming structures regardless of the presence of an intervening public right-of-way or park or space, public or private street or alley, or any lot or parcel remnant.
- (d) Transitional height plane measurements shall be applied to parcels on a point-by-point basis and not average grade.

(2) *Transitional yard requirements:*

- (a) *Side yard:* Adjacent to an "R" district without an intervening street, an undisturbed 20-foot yard shall be

required. For a side yard adjacent to a street, one-half the required front yard shall be required.

- (b) *Rear yard:* There shall be a rear yard of 30 feet or 10 percent of the depth of the lot, whichever is greater; such rear yard, however, shall not exceed 50 feet. Said yard shall not be paved or used for parking, loading or servicing, but shall be left in an undisturbed state except where additional planting or screening shall be required.
- (c) *Screening:* Where a lot in this district abuts a lot in an "R" district on the rear or side yard without an intervening street, opaque fencing or screening not less than six feet in height shall be provided and maintained in a sightly condition. See section 16-28.008(9).

(Code 1977, § 16-10.006; Ord. No. 2019-09(18-O-1581), § 10.2, 1-31-19.)

Sec. 16-10.007. - Development controls.

These requirements apply to all uses approved by special permits as well as permitted uses:

- (1) *Bulk limitations:* For nonresidential uses, floor area shall not exceed an amount equal to 3.0 times net lot area. Residential uses shall be permitted up to the maximum ratios established for sector 5 as shown on Table I, section 16-08.007.
- (2) *Minimum lot width, area, all uses:* No fixed minimum lot widths or areas are established for these districts; but lot dimensions shall be sufficient to meet other requirements set forth herein; churches, synagogues, temples, mosques and other religious worship facilities on lots of less than one acre require a special exception.
- (3) *Minimum yard requirements:*
 - (a) *Front:* 50 feet.
 - (b) *Side:* 15 feet, except for duplex zero-lot-line development where no side yard is required along the internal lot line.
 - (c) *Rear:* 25 feet, except for duplex zero-lot-line units where the internal side or rear lot line may be reduced to zero feet.

(Code 1977, § 16-10.007; Ord. No. 2001-74, § 4, 10-10-01; Ord. No. 2005-21, §§ 1, 2, 3-25-05)

Sec. 16-10.008. - Maximum height limitations.

None, except as required in section 16-10.006.

(Code 1977, § 16-10.008)

Sec. 16-10.009. - Minimum off-street parking requirements.

The following parking requirements shall apply to all uses approved by special permit as well as permitted uses (see section 16-28.014 and see also section 16-28.015 for off-street loading requirements):

- (1) *Schools, colleges, churches, recreation or community centers and other places of assembly:* One space for each four fixed seats (with 18 inches of bench length counted as one seat) or one space for each 35 square feet of enclosed floor area for the accommodation of movable seats in the largest assembly room, whichever is greater, plus the following:
 - (a) *Public or private elementary or middle school:* Two spaces for each classroom.

- (b) *High school*: Four spaces for each classroom.
- (c) *Colleges and universities*: Eight spaces for each classroom.
- (2) *Nursing homes, convalescent homes, and similar care facilities*: One space per four beds.
- (3) *Child care centers, day care centers, prekindergartens, kindergartens, play and other special schools or day care centers for young children*: One space per 600 square feet of floor area. In addition to providing off-street parking, such establishments shall provide safe and convenient facilities for loading and unloading children, approved by the director, bureau of traffic and transportation.
- (4) *Dwellings and lodgings*: See section 16-08.007, Table I, for applicable ratios according to the appropriate floor area ratio.
- (5) *Banks, savings and loan institutions, and the like*: One (1) space for each 200 square feet of floor area.
- (6) *Business colleges, trade schools, conservatories, dancing schools, and the like*: One space for each 200 square feet of floor area.
- (7) *Dormitories, fraternity houses and sorority houses*. One space for two beds plus one space for each 200 square feet of floor area designated or occupied other than for sleeping purposes.
- (8) *Clubs, lodges*: One space for each 200 square feet of floor area.
- (9) *Hotels*: One space per rental unit plus one-half space per employee.
- (10) *Accessory uses*: All accessory uses cited in section 16-10.004 shall provide one additional space per 300 square feet of floor area devoted to such space.
- (11) *Other uses*: One space for each 300 square feet of floor area.
- (12) *Shelter*: One parking space for each on duty staff member, whether paid or unpaid. In addition to staff parking, a space of sufficient size is required for each van, bus or other vehicle used by the facility and one additional parking space shall be provided for each 2,000 square feet of the facility.

(Code 1977, § 16-10.009; Ord. No. 2008-62(06-O-0038), §§ 4B(2), 6A(1), 7-7-08; Ord. No. 2009-24(08-O-1251), § 2C(2), 6-9-09)

Sec. 16-10.010. - Sidewalks.

- (1) Public sidewalks shall be located along all public streets and shall consist of two zones: an amenity zone and a walk zone.
- (2) *Amenity zone requirements*: The amenity zone shall be located immediately adjacent to the curb. Width shall be measured from back (building side) of curb to the walk zone. Minimum width shall be five feet. This zone is reserved for the placement of street trees and street furniture including utility and light poles, public art, waste receptacles, fire hydrants, traffic signs, traffic control boxes, newspaper boxes, transit shelters and similar elements in a manner that does not obstruct pedestrian access or motorist visibility. Such elements, where installed, shall be of a type specified by the director in accordance with uniform design standards for placement of such objects in the public right-of-way.
- (3) *Walk zone requirements*: The walk zone shall be located immediately contiguous to the amenity zone and shall be a continuous hardscape for a minimum width of 10 feet for arterial and collector streets and six feet for all other streets. Said zones shall contain a consistent cross-slope not exceeding two percent. No fixed elements, including pole mounted signage, traffic control boxes or other utility structures, shall be placed above ground in the walk zone for a minimum height of eight feet.
- (4) *Paving*: All sidewalk paving shall be of a type specified in accordance with uniform design standards for placement of such objects in the public right-of-way. Any existing decorative hardscape treatment of

sidewalks, including amenity zone and sidewalk walk zone areas, shall be retained as part of any new development or replaced with materials that match in size, shape, and color.

- (5) *Street tree planting requirements:* Street trees are required and shall be planted in the ground within the amenity zone and spaced equidistance and on-center between street lights a maximum of 40 feet apart. All newly planted trees shall be single-stemmed at a minimum of three inches in caliper (measured 36 inches above ground), shall be a minimum of 12 feet in height at the time of planting and shall be limbed up to a minimum height of seven feet. Trees shall be planted with a minimum of 40 square feet of evergreen ground cover such as mondo grass or liriop spicata. All tree plantings, replacement and removal shall be approved by the city arborist.
- (6) Pedestrian and street lights shall be placed equidistant and on-center between required street trees within the amenity zone.
- (7) Where property within the district abuts an R district without an intervening street, the sidewalk area within 20 feet of such districts shall taper when necessary to provide a smooth transition to the existing R districts sidewalk. In the event that the abutting R district has no existing sidewalk the sidewalk shall taper to a width of six feet, measured from the street curb, or as approved by the Director of the Office of Zoning and Development.
- (8) Adjustments to the sidewalk requirements may be permitted by the Director of the Office of Zoning and Development upon a finding that one or more of the site conditions set forth in subsections (8)(a) through (8)(f) below are present on the site. The applicant requesting the adjustment must provide documentation establishing the presence of the site condition(s) relied upon. If the adjustment results in the waiver of the sidewalk requirement on the site, the applicant shall construct sidewalks of equal or greater length along adjoining streets in a specific location approved by the Director.
 - a. Trees exist within the proposed sidewalk zone having a diameter at breast height (DBH) of six inches or more;
 - b. Topographic conditions exist that would locate the proposed sidewalk walk zone 12 or more inches above or below the top surface of the finished curb;
 - c. Topographic conditions exist that would prevent driveway access to the property upon completion of the proposed sidewalk;
 - d. Physical conditions exist such as existing structures, existing utility devices, or rock outcroppings that obstruct the installation of the proposed sidewalk;
 - e. The existence of an overlay zoning district pursuant to chapter 20 of part 16, an Overlay SPI District, or the BeltLine Overlay District; or
 - f. Sidewalk improvements for the proposed sidewalk zone that are planned, approved, and publicly-funded by the City of Atlanta.

(Ord. No. 2018-11(18-O-1023), § 12.G, 5-16-18.)