

CHAPTER 7

ACCESSORY STRUCTURES AND USES

Outline

7.00.00 Intent 7-2

7.01.00 Accessory Structures..... 7-2

 7.01.01 Fences 7-2

 7.01.02 Dumpsters 7-3

 7.01.04 Guest Houses..... 7-4

 7.01.05 Storage Sheds..... 7-5

 7.01.06 Swimming Pools, Hot Tubs 7-5

 7.01.07 Tall Structures 7-6

 7.01.071 Towers and Telecommunication Facilities 7-6

 7.01.072 Residential 7-13

 7.01.073 Exemption 7-13

 7.01.074 Okaloosa Island..... 7-14

7.02.00 Accessory Uses 7-14

 7.02.01 Home Occupations..... 7-14

 7.02.02 Accessory Apartment..... 7-15

CHAPTER 7**ACCESSORY STRUCTURES AND USES**

7.00.00 Intent: It is the intent of this chapter to regulate the installation, configuration, and use of accessory structures, and the conduct of accessory uses, in order to ensure that they are not harmful either aesthetically or physically to residents and surrounding areas.

7.01.00 Accessory Structures: Any number of different accessory structures may be located on a parcel, provided that the following requirements are met:

A. All accessory structures shall comply with standards pertaining to the principal use, unless exempted or superseded elsewhere in this code.

B. Accessory structures shall not be located in a required buffer, landscape area, or minimum building setback area, except as otherwise specified in this ordinance.

C. Accessory structures shall comply with Section 6.03.15, Clear Visibility Triangle.

7.01.01 Fences: Any fence located adjacent to a public right-of-way, private road, or public access shall be placed with the finished side facing that right-of-way, road, or public access.

A. When determined to be beneficial to the health, safety, and welfare of the public, or for means of protection of property or animals, approval to exceed maximum height standards may be given by the Planning and Inspection Department Director upon receipt of satisfactory evidence of the need to exceed such height standards.

B. No fences or other structures will be allowed in easements dedicated for public purposes and maintained by the County unless written approval by the Public Works Department has been granted. Responsibility shall be on the property owner to remove and/or pay for the removal of any fence which must come down to assist in maintenance of a public easement. Fences may be placed in private utility easements, provided the owner/contractor signs a hold harmless agreement with Okaloosa County, agreeing not to hold the County liable for any damages occurring from or to the fence which result from its placement in the private easement. Record of the agreement shall be kept by the County.

C. Residential Districts:

1. Fences may be built to the maximum height of eight (8) feet.

2. Fences may be erected along property lines, except parallel to waterfront property lines. On waterfront properties, fences must meet jurisdictional setbacks unless authorizing local, state and/or federal agencies have approved.
3. No electrical fences shall be permitted in residential subdivisions, Planned Unit Developments, or residentially zoned districts.
4. Barbed wire fences shall be permitted only to surround a public facility. Any such fence may incorporate three (3) strands of barbed wire only on top of a six (6) foot high solid or chain link fence. Furthermore, no portion of any such fence shall extend over any public right of way.

D. Commercial and Industrial Districts:

1. There shall be no maximum height for fences in these districts. Fences incorporating barbed wire are permitted except that barbed wire may be used on top of a six foot high solid or chain link fence. Where a dwelling is located in a commercial or industrial district as a Special Exception, Subsection (A) shall regulate fences for that dwelling, except where a dwelling unit is located adjacent to an industrial or commercial use, a fence may be constructed to a maximum height of eight (8) feet on the property line contiguous to the industrial or commercial use.
2. Fences may be erected along property lines, except horizontally along waterfront property lines. On waterfront properties, fences must meet setbacks unless authorizing local, state and/or federal agencies have approved.

7.01.02 Dumpsters: Dumpsters shall be permitted in all zoning districts, subject to the following conditions:

- A. Dumpsters may be located on single-family, detached dwelling unit lots for construction purposes only. The dumpster(s) must be removed upon completion of construction.
- B. All dumpsters must be screened from view of adjoining property owners and streets at first floor level. Dumpsters shall be screened on at least three (3) sides. Construction and demolition debris dumpsters, which are allowable under Section 6.07.02, Temporary Construction and Development Permit, are exempted from the screening requirement.
- C. All dumpsters shall be located off the public right-of-way, on a paved pad or hard surface and vehicular access shall be paved or improved with a stable surface.

D. The following structures may be permitted as screening for dumpsters.

1. Wood Fence.
2. Concrete block and stucco wall, masonry wall, brick wall, or walls of similar material.
3. Vegetative screening shall comply with Section 6.05, Screening.

E. Dumpsters may be permitted within the building setback area provided there is no obstruction of vision of adjacent streets.

F. Screening for dumpsters shall be exempted from height limitations for fences provided there is no obstruction of vision of adjacent streets.

G. Screening of dumpsters shall be exempted in the Industrial Protected (IP) Zoning District if the dumpsters are located greater than two hundred feet (200) from residentially zoned or used property and are not located within front yards, Agricultural Districts, or during construction in all other zoning districts.

7.01.04 Guest Houses:

A. The purpose of this section is to provide adequate housing of family members who might otherwise have difficulty providing for themselves.

B. Standards: Guest houses are permitted as an accessory structure to the principal dwelling unit in all residential districts subject to the following provisions:

1. No more than one guest house shall be permitted on any lot.
2. Guest houses are to be detached from the principal dwelling unit and must meet the setback requirements applicable within the zoning district in which they are located.
3. The guest house shall not be rented nor money exchanged for the use of the guest house.
4. The guest house shall not exceed the total square footage of the principal structure located on the lot.
5. Guest houses are to be located to the side or rear of the property only, and a minimum of ten (10) feet must be maintained between the guest house and the

principal dwelling unit, as well as any storage or utility buildings.

6. The guest house shall not be attached to the principal dwelling unit in any fashion, nor shall a covered walk connect the two structures unless hardship can be shown.
7. No home occupation shall be conducted from the guest house.
8. No variations, adjustments, or waivers to the requirements of this code shall be allowed in order to accommodate a guest house.

7.01.05 Storage Sheds: Storage buildings may be a permitted accessory use of a parcel, provided the following requirements are met.

A. Storage buildings shall be permitted in side and rear yards provided a minimum setback of three and one-half (3½) feet is maintained, no storage building exceeds two hundred (200) square feet in size, and that no portion of the structure encroaches into any public easement. Any storage building located adjacent to any public right of way shall be required to maintain the setbacks established for that zoning district in which it is located.

B. Vehicles, manufactured homes, mobile homes or truck trailers shall not be used as storage buildings, except for uses permitted under the provisions of Section 6.07.00 Temporary Use Permits.

C. No storage shed used for industrial storage of hazardous, incendiary, noxious, or pernicious materials shall be located nearer than one hundred (100) feet from any property line.

7.01.06 Swimming Pools, Hot Tubs: Swimming pools, hot tubs, and similar uses shall be permitted in any yard, provided setbacks can be met.

A. Swimming pools, hot tubs, etc., shall maintain at least a three and one-half (3.5) foot setback from the water's edge to any side or rear property line, a ten (10) foot setback in any front property line, and a three and one-half (3.5) foot setback from any existing or proposed building. Fences shall be a minimum of four (4) feet in height, and be equipped with a self closing and self-latching gate. Pools, hot tubs, and similar uses shall not be located in public easements.

B. If a screened enclosure of the swimming pool, hot tub, or similar use is to be detached from the principal building, the screened enclosure shall meet the required front yard setbacks for the zoning district in which it is located and a minimum five (5) foot setback on the side or rear yards.

C. If the enclosure for the use is to be attached to the principal building, the enclosure shall meet the required setbacks for the zoning district in which it is located. In addition, the use shall maintain a three and one-half (3.5) foot setback from the water's edge to the existing and/or proposed buildings.

7.01.07 Tall Structures: In zoning districts where tall structures and/or temporary or permanent obstacles are permitted, structures and/or temporary or permanent obstacles in excess of one hundred (100) feet will be required to obtain determination of "No Hazard to Aviation" from the Federal Aviation Administration, be submitted to the Aviation Advisory Committee and the Planning Commission for recommendation, and the applicant must obtain final approval from the Board of County Commissioners.

7.01.071 Towers and Telecommunication Facilities: The general purpose of this section is to regulate the placement, construction and modification of towers and telecommunication facilities in order to protect the health, safety and welfare of the public. The specific purposes of this section are:

1. To regulate the location of towers and telecommunications facilities in the County;
2. To protect residential areas and land uses from potential adverse impact of tower and telecommunications facilities;
3. To minimize adverse visual impact of towers and telecommunications facilities through careful design, siting, landscaping, and camouflaging techniques;
4. To promote and require shared use and co-location of towers and antenna support structures as opposed to the construction of additional single-use towers;
5. To avoid potential damage to property caused by towers and telecommunications facilities by ensuring that such structures are sound and carefully designed, constructed, modified, maintained and removed when no longer used or determined to be structurally unsound;
6. To ensure that towers and telecommunications facilities are compatible with surrounding land uses, and their location and height do not interfere with or degrade the U.S. military mission or activities, and
7. To facilitate the provision of wireless telecommunications services to the residents and businesses of the County in an orderly fashion.

- A. Definitions: The following words, terms and phrases, when used in this section shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Antenna Array: means one or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include omnidirectional antenna (rod), directional antenna (panel), or parabolic antenna (disc), but does not include the support structure.

Applicant: means any person that applies for a tower development permit.

Application: means the process by which an applicant submits a request to develop, construct, build, modify or erect a tower. Application includes all written documentation, verbal statements and representations, in whatever form or forum, made by an Applicant to the County concerning a request.

CMRS: means Commercial Mobile Radio Services, as defined in §704 of the Telecommunications Act of 1996, which includes cellular, personal communications, specialized mobile radio, enhanced specialized mobile radio, and similar services that currently exist or that may in the future be developed.

Co-location or Co-locate: means the use of a tower by two (2) or more CMRS license holders or by one CMRS license holder for more than one type of communications technology.

Engineer: means any engineer licensed by the State of Florida. Radio frequency engineers do not have to be licensed by the State, however their qualifications must include specific experience in the field and employment or retention by the telecommunications provider in a professional, technical capacity.

Owner: means any person with fee title, or with written permission from a person with fee title, to any plot of land within the County who desires to develop, construct, build, operate, modify or erect a tower upon such land.

Person: is any natural person, firm, partnership, association, corporation, company or other legal entity, private or public, whether for profit or not-for-profit.

Telecommunications Facility: means any cables, wires, lines, wave guides, antennas and any other equipment or facilities associated with the transmission or reception of communication which a person seeks to locate or has installed upon or near a tower or antenna support structure. However, the term “telecommunications facilities” shall not include:

1. Any satellite earth station antenna two (2) meters in diameter or less which is located in an area zoned for industrial or commercial uses; or
2. Any satellite earth station antenna one (1) meter or less in diameter, regardless of zoning category.

Tower: means a self-supporting lattice, guyed or monopole structure constructed from grade which supports telecommunications facilities.

B. Applicability:

1. Towers and telecommunications facilities for which a permit has been issued prior to the effective date of this section shall not be required to meet the requirements of this section, except as provided herein.
2. This section shall not govern the installation of any amateur radio facility that is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive-only antennas.
3. In the event of any conflict or inconsistency between this Section and Subsection 365.172(11), Florida Statutes the applicable statutory provision shall control and govern.

C. Applications: Applications shall comply with the following when requesting to construct or erect a tower or place or locate a telecommunications facility or alteration or extension of an existing tower or telecommunications facility thereupon, an owner must submit and obtain approval of an application. Applications shall include:

1. The name, address and telephone number of the owner and lessee of the parcel of land upon which the tower is proposed to be situated. If the applicant is not the actual owner of the parcel of land upon which the tower is proposed to be situated, the written consent of the actual owner shall be included with the application.
2. The legal description, parcel identification number and address of the parcel of land upon which the tower is proposed to be situated.
3. The names, addresses and telephone numbers of all owners of other towers or usable antenna support structures within a one half (1/2) mile radius of the proposed tower site.

4. Written documentation that the applicant made diligent, but unsuccessful efforts for a minimum of thirty (30) days prior to submission of the application to install or co-locate the applicant's telecommunications facility on towers or usable antenna support structures located within a one-half (1/2) mile radius of the proposed tower site or written, technical evidence from a registered professional engineer that the proposed tower or telecommunications facility cannot be installed or co-located on another tower or usable antenna support tower site, and must be located at the proposed site in order to meet coverage requirements of the applicant's wireless communication system.
 5. Written, technical evidence from a registered professional engineer that the proposed structure meets the standards set forth in this article.
 6. Written, technical evidence from a registered professional engineer that the proposed site of the tower and telecommunications facility does not pose a risk of explosion, fire or other danger due to its proximity to volatile, flammable, explosive or hazardous materials.
 7. Written evidence that the tower and telecommunication facility are in compliance with Federal Aviation Administration regulations. Where an antenna array will not exceed the highest point of an existing structure upon which the array is to be mounted, such evidence shall not be required.
 8. Written, technical evidence from a registered professional engineer that construction and placement of the tower and telecommunications facility will not interfere with public safety communications and the usual and customary transmission or reception of radio and television service enjoyed by adjacent residential and non-residential properties.
 9. A certification from a registered professional engineer documenting the co-location capability of the applicant's proposed tower.
 10. A map showing the location of the proposed tower and the applicant's existing network and proposed construction and tower location plans in Okaloosa County for the next twelve (12) months.
- D. Height and Co-location: Towers will only be allowed in those districts where they are permitted (BR, BG, BT, IP, AA), and shall comply with the following;
1. Except as provided in this code, a tower shall be permitted to a height of up to

one hundred (100) feet.

2. Towers which have co-location of two (2) or more licensed carriers shall be permitted to a height of up to one hundred eighty (180) feet in the BR, BG, and BT zoning districts meeting the setback requirement in Paragraph E below, towers in excess of one hundred eighty (180) feet and up to a maximum height of three hundred thirty (330) feet shall be permitted in the AA and IP zoning districts, provided they have co-location ability and present commitment letters from a minimum of three (3) licensed carriers at the time of application for review and approval provided they are situated on a site a minimum of ten thousand (10,000) sq. ft. with setbacks not less than five hundred (500) feet from the nearest existing residence unless waived by the residential property owner. In that case, the minimum setback shall be one hundred (100) percent of the tower height.
3. Antenna arrays shall not rise more than twenty (20) feet above the height of the tower or antenna support structure.
4. New tower construction shall be required to provide co-location for a minimum of three (3) licensed carriers. A tower shall be deemed to have co-location ability if its design is certified by the registered professional engineer as being appropriate for co-location and the applicant certifies that it is prepared to offer adequate space on the tower to others on commercially fair and reasonable terms. An applicant's requirement to provide adequate space on its tower for co-location may be subject to the following factors (a) structural engineering capabilities, taking into account planned future use by the applicant and municipal emergency services, (b) radio frequency inter-modulation acceptance, (c) the acknowledgement of other CMRS licensees wishing to co-locate on applicant's tower to permit applicant to co-locate on a reciprocal basis.

E. Setbacks

1. All towers shall be designed, sited, and erected so that the tower will be set back a minimum of 100 percent of the height of the proposed tower from the property line of any property zoned for residential use or used for residential purposes, OR; the proposed tower will be designed, sited and erected within a specified "fall radius" which is totally within the boundaries of the property where the tower is located, such fall radius to be certified and sealed by a registered structural engineer.

2. Antenna arrays for antenna support structures are exempt from the setback standards of this section and from the setbacks for the zone in which they are located. However, such antenna arrays may extend no more than five (5) feet horizontally beyond the vertical plane of the outer edge of the antenna support structure.
- F. Separation: Proposed towers shall be separated from all other existing towers by a minimum of seven hundred and fifty (750) feet, except where a tower field or antenna farm has been established and the proposed tower can be safely located within the boundaries, the separation requirements may be reduced, if approved by the County.
- G. Illumination: Towers shall be lighted as required by the Federal Aviation Administration (FAA). Further, unless prohibited by the FAA, towers for which illumination is not otherwise required by the FAA shall have a beacon light placed at the top of the tower. To the extent allowed by the FAA, all lighting and beacons upon a tower which, at the time of commencement of construction, shall be erected with shields mounted underneath the lights or beacons in such a manner so as to obstruct the view of lights or beacons from the ground.
- H. Structural Requirements: Towers must be constructed in accordance with Electronic Industries Association/Telecommunication Industries Association (EIA/TIA) 222 Revision F Standard entitled "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures" (or equivalent), as it may be updated or amended. All towers must be constructed of approved corrosion and resistant noncombustible material. All towers must be permanently and effectively grounded. All towers must be located and equipped with step bolts and ladders so as to provide ready access for inspection purposes.
- I. Maintenance:
1. Owners shall at all times employ ordinary and reasonable care and shall install, maintain and use nothing less than commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public.
 2. Owners shall install and maintain towers and telecommunications facilities in substantial compliance with the requirements of the National Electric and Safety Code and all FCC, state and local regulations.
 3. All towers, telecommunications facilities and antenna support structures shall at all times be kept and maintained in good condition, order and repair so that

the same shall not menace or endanger the life property of any person.

4. In the event the use of a tower is discontinued by the owner, or if the owner ceases to operate the tower, the owner shall provide written notice to the County of its intent to discontinue use or cease operations, and the date when the use shall be discontinued.

J. Aesthetic Considerations:

1. All towers not requiring FAA painting or marking, shall have an exterior finish which enhances compatibility with adjacent uses.
2. Antenna arrays attached to antenna support structures which are significantly viewable to adjacent residences shall be designed so as to blend in with existing structures to the extent feasible, including placement in a location which is consistent with proper functioning of the telecommunications facility, and the use of compatible or neutral colors.
3. Antenna arrays attached to antenna support structures which are significantly visible to adjacent residences, which have aesthetic impacts that are not able to be reasonably mitigated by placement or color solutions, can be required to be screened in a reasonable and achievable manner, provided that such screening does not intentionally increase the costs of constructing, erecting, and installing the antenna arrays.
4. All new tower bases, guy anchors, outdoor equipment, accessory buildings and accessory structures erected for use in connection with towers and telecommunication facilities shall be required to meet the minimum setback requirements established for the district in which they are located, and be visually screened to a height of at least eight (8) feet by trees, large shrubs, solid walls and/or fences, or as required by Section 6.05.074.

K. Removal of Abandoned Facilities: A tower and/or telecommunication facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner thereof shall remove the same within ninety (90) days of abandonment or discontinuation of use. If such tower or telecommunication facility is not removed within ~~said~~ ninety (90) days, the County may remove such tower or telecommunications facility at the owner's expense. If there are two or more users of a single telecommunications facility, then this provision shall not become effective until all users cease using the tower or telecommunications facility.

- L. Inspections: The County and its agents shall have the authority to enter onto the property upon which a tower is located, between the inspections and certifications required above, to inspect the tower for purposes of determining whether it complies with all applicable laws and regulations. The County reserves the right to conduct such inspections at any time, upon reasonable notice to the owner. All expenses relating to such inspections by the County shall be born by the owner.
- M. Nonconforming towers and telecommunication facilities: Towers and telecommunications facilities in existence as of the effective date of this section that do not comply with the requirements of this section are subject to the following:
1. Nonconforming towers and telecommunication facilities may continue in use for the purposes now used, but may not be expanded without complying with this ordinance, except as provided in this section
 2. Nonconforming towers and telecommunications facilities may add additional antennas belonging to the same carrier or other carriers, subject to administrative review otherwise applicable to the addition and erection of antenna arrays
 3. Nonconforming towers and telecommunication facilities which are hereafter damaged or destroyed due to any reason or cause may be repaired or restored to their former use, location and physical dimension subject to obtaining a building permit therefore ,but without otherwise complying with this section.
 4. The owner of any nonconforming tower and telecommunications facility may replace, repair, rebuild and/or expand such tower and telecommunication facility in order to improve the structural integrity of the facility, to allow the facility to accommodate co-location, or to upgrade the facility to current engineering, technological or communications standards, without having to conform to the provisions of this section, so long as the facilities are not increased in height and setbacks are not decreased.

7.01.072 Residential: The height limitations contained in the Schedule of Dimensional Requirements do not apply to spires, belfries, cupolas, non commercial radio/television antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

7.01.073 Exemption: Amateur Radio antennas shall conform to the Federal Communication Commission regulations and are exempted from requirements of this code regarding placement, screening, and height pursuant to Section 125.561, Florida

Statutes.

7.01.074 Okaloosa Island: Any proposed tall structure or temporary or permanent obstacle on Okaloosa Island shall comply with Okaloosa Island (Santa Rosa Island) Protective Covenants and Restrictions.

7.02.00 Accessory Uses: Any number of accessory uses may be permitted on a parcel, provided that the following requirements are met:

A. All accessory uses shall comply with standards pertaining to the accessory use.

7.02.01 Home Occupations:

A. Standards: The standards for home occupations are intended to ensure compatibility with other permitted uses and with the residential character of the neighborhood. No home occupation shall be permitted which might interfere with the general welfare of the surrounding area due to potential noise, increased pedestrian or vehicular traffic or might entail any other condition which would constitute an objectionable use of residential property. Home occupations shall be allowed in any zoning district which permits residential dwellings as a principal permitted use or as a special exception use, provided the following criteria are met upon review by the planning staff:

1. No person other than a member of the family residing on the premises shall be engaged in such occupation.
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the livable floor area of the dwelling unit shall be used in the conduct of the home occupation.
3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, including outside storage or accessory buildings, other than one sign, not exceeding two (2) square feet in area, non-illuminated, and mounted flat against the wall of the principal building.
4. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood. Any need for parking generated by the conduct of such home occupation shall be maintained on the premises.
5. No equipment or process shall be used in the home occupation which creates noise, vibration, glare, fumes, or odors detectable to the normal senses off the premises of the dwelling unit.

6. No equipment or process shall be used which creates visual and/or audible interference in any radio or television receiver, or causes fluctuations in the line voltage off the premises of the dwelling unit.
7. To the extent that there is any sale of any item related to a home occupation by the permittee as a seller, no delivery of that item shall occur on or adjacent to the premises other than by delivery by The U.S. Postal Service or similar carrier.

B. Procedures:

1. An application for a home occupation shall be made to the Planning and Inspection Department for a determination of compliance with the criteria set forth in Section A. prior to obtaining a license from the Tax Collector's Office. Refer to Chapter 12 for the home occupation application fee.
2. Applicant must sign a notarized affidavit, agreeing to continue to comply with all criteria contained in Section A, and acknowledge that any departure from the conditions authorizing the use shall be grounds for revocation of the applicable occupational license, without refund of application fee, and forfeit their right to continue the home occupation at the permitted site.
3. When a nuisance complaint is received, an inspection shall be made to ensure compliance with this chapter. If lack of compliance is evident, the permittee shall be given thirty (30) days in which to comply or cease operation at the permitted site.

7.02.02 Accessory Apartment

A. Purpose: The purpose of this section is to provide for affordable housing to meet the needs of existing households, making housing available to elderly or handicapped persons who might otherwise have difficulty finding homes. This section is also intended to protect property values and the residential character of neighborhoods where an accessory apartment is located.

B. Standards: An accessory apartment shall be allowed in single family dwellings provided that all the following requirements shall be met.

1. No more than one (1) accessory apartment shall be permitted on any residential lot.

2. The accessory apartment shall be located within the principal structure. The principal structure shall be construed to mean the dwelling unit or house located on the lot, and not any other accessory structure. An accessory apartment shall not be construed to be located within the principal structure if connected only by a breezeway, roofed passage, or similar structure.
3. The accessory apartment shall be strictly for use of an immediate family member, and not offered for sale or rent.
4. The accessory apartment shall not exceed forty (40) percent of the gross floor area of the principal structure within which it is located, not to exceed eight hundred (800) sq. ft.
5. The accessory apartment shall be located and designed not to interfere with the appearance of the principal structure as a one-family dwelling unit.
6. The accessory apartment must have access from an entrance of its own as well as an entrance from the principal dwelling unit.
7. No variations, adjustments, or waivers to the requirements of this code shall be allowed in order to accommodate an accessory apartment.