

**TOWN PLAN AND ZONING COMMISSION
FAIRFIELD, CONNECTICUT
NOTICE OF DECISION
FEBRUARY 9, 2021**

After public hearing held on October 27, 2020, the Town Plan and Zoning Commission voted on February 9, 2021 to approve the following amendment to the Zoning Regulations of the Town of Fairfield:

Proposed text in **bold**, proposed deleted text indicated by ~~strikethrough~~.

SECTION 6.0 ACCESSORY APARTMENTS

6.1 Intent and Purpose

The purpose of this regulation is to address the identified need of providing and preserving affordable and secure housing for all the population of the Town, while preserving the appearance and character of the Town's neighborhoods; by permitting, as an accessory use, the creation of a separate, self-contained living unit ~~within~~, incidental and subordinate to, an existing single-family residence. The creation of such accessory apartments will promote the general welfare of the Town, ~~without increasing the number of residential buildings~~, by allowing all the population to continue to live in our Town, either in their present homes or in the accessory apartments permitted hereunder.

6.2 Definitions

6.2.1 For the purposes of this regulation, the term "accessory apartment" shall be defined as a separate, self-contained living unit, and subordinate to, an existing single-family residence.

6.2.2 For purposes of this regulation, the term "primary dwelling" shall be defined as the unconverted portion of an existing single-family residence.

6.2.2 For purposes of this regulation, the term "principal owner" shall be defined as the owner of not less than a fifty (50) percent interest in the residence.

6.3 Conditions and Requirements

A one-family residence located within lawful setbacks and situated in AAA, AA, R-3, R-2 and A Zones may be converted into a one-family dwelling with a single accessory apartment, subject to the following conditions and requirements:

6.3.1 A principal owner of the residence must reside in either the primary dwelling or the accessory apartment throughout the duration of the permit, referred to in Sect. 6.4.1.

6.3.2 The accessory apartment shall contain ~~not less than 450 square feet~~ and not more than forty (40) percent of the floor area of the originally existing residence **or 1500 sq. ft. whichever is less.**

~~6.3.3 The originally existing residence shall have been in existence for a minimum of five (5) years, and shall not have undergone any exterior alterations for a minimum of five (5) years except such alterations as may have been made on the existing foundation, unless the owner of the premises has entered into a contract with the Town of Fairfield or its designated agent to establish the apartment or primary dwelling as an “affordable housing” unit as defined in Sect. 31.0.~~

~~6.3.3 Any exterior alterations to the originally existing residence shall be made on the existing foundation, with the exception that alterations made solely for the purpose of providing access and egress need not be made on the existing foundation. No separate access to the accessory apartment from the outside shall be in the front facade of the residence.~~ **Access to the accessory apartment may be on the front façade of the residence provided that it is separated from the front door of the existing residence by at least 10 feet and maintains the appearance of a single family dwelling.** The fire escape or outside stairway, if any, shall be enclosed.

6.3.4 The number of off-street parking spaces for the accessory apartment shall be not less than one.

6.3.5 The occupancy of the accessory apartment shall be limited to not more than two persons unless such apartment is contracted with the Town of Fairfield or its designated agent to be an “affordable housing” unit as defined in Sect. 31.0, then such occupancy shall be limited to three persons. **Neither the existing house or the Accessory Apartment can be rented for a period of less than 60 consecutive days.**

6.3.6 If public water and sewer are not available to the residence, the use of private water and septic systems for the accessory apartment shall be subject to approval by the Department of Health. The accessory apartment shall comply with all applicable housing, building, fire and health code requirements.

6.3.7 The owner of the residence shall file with the Zoning Enforcement Officer on or before January 31st of each year an affidavit on a form to be supplied by the Zoning Enforcement Officer, certifying that the primary dwelling and accessory apartment are in compliance with the conditions and requirements set forth above.

6.3.8 An accessory apartment may qualify as affordable housing in accordance with the provisions of Subsection 6.3.5 of this regulation and subject to the design criteria of Section 8-30g(k) of the Connecticut General Statutes, as amended, provided that:

- a. The accessory dwelling unit is to be rented pursuant to the affordable housing provisions of CGS 8-30g, to a tenant as their primary residence whose income is less than or equal to eighty percent of the State Median Income (SMI).**
- b. The application shall be accompanied by a proposed deed, which complies with CGS 8-30g, including a ten (10) year affordable housing deed restriction.**
- c. Before an accessory apartment is occupied, the applicant shall submit satisfactory proof to the Planning Director that the aforesaid deed has been recorded on the Land Records.**
- d. Prior to occupancy by the initial “affordable housing” tenant(s) and thereafter, by January 31 of each year and upon change of tenant, the owner shall certify that:**
 - i. The subject apartment is rented at or below the maximum rate prescribed in CGS 8-30g and,**

- ii. The tenant has certified to the owner, under penalty of false statement, that the tenant's income does not exceed eighty (80) percent of the area median income, as defined in CGS 8-30g.

6.3.9 In the Res AAA Zone, a free-standing accessory structure may be constructed or converted into an Accessory Apartment under the following conditions:

- a. The existing lot shall be at least two acres.
- b. The structure must conform to required setbacks and height for accessory structures.
- c. The maximum size for the Accessory Apartment within said structure shall be no greater than 40% of the area of the existing main dwelling or 1,500 sq. ft., exclusive of utilities, whichever is less.
- d. The proposed Accessory Apartment must conform to all regulations and requirements of the Fairfield Health Department and the Building Department.

6.4 Application Procedure

6.4.1 No conversion contemplated by this regulation shall occur, nor shall any associated Building Permit or Certificate of Occupancy be issued until the owner of the residence to be converted has received a written permit from the Commission or its lawfully authorized designee. The applicant shall first submit such supporting data as the Commission, or its lawfully authorized designee may reasonably request, including the following:

6.4.1.1. An affidavit substantially in the form mentioned in Sect. 6.3.8.

6.4.1.2 Sufficient architectural drawings or clear photographs to show the exterior building alterations proposed.

6.4.1.3 Interior floor plans showing the floor area of the proposed accessory apartment and primary dwelling.

6.4.2 The Commission shall have the right to require that any application hereunder be submitted for formal site plan review.

6.4.3. The Town of Fairfield or its designated agent may apply for permits for conversion to create "affordable housing" as defined in Sect. 31.0, provided that a principal owner shall reside in the primary dwelling or apartment upon issuance of a Certificate of Occupancy.

6.5 Duration

The permit and any other form of approval for a dwelling conversion issued hereunder shall be subject to revocation by the Commission upon:

6.5.1 The failure of the Owner of the residence to file with the Zoning Enforcement Officer each year an Affidavit as required in Sect. 6.3.8.

6.5.2 Notwithstanding the filing of such affidavit, a finding by the Commission, or its lawfully authorized designee, that there is in fact non-compliance with the conditions and requirements contained in Sect. 6.3.

6.6 Sale of Residence

Upon sale of a residence containing an accessory apartment, the new owner of said residence shall file with the Zoning Enforcement Officer within thirty days of the transfer of title to such residence, a notice on a form to be supplied by the Zoning Enforcement Officer, stating whether or not such new owner intends to continue the accessory apartment use. **Any such use by a new owner will be subject to all provisions of Section 6.0.**

Dated at Fairfield, CT this 12th day of February, 2021
Effective Date: February 13, 2021

TOWN PLAN AND ZONING COMMISSION

Matt Wagner, Chairman
Meg Francis, Secretary
Jim Wendt, Acting Clerk