A QUICK GUIDE TO ACCESSORY DWELLING UNITS

INTRODUCTION

An accessory apartment is a dwelling unit that is **typically attached to or part of a single-family house**. It's an old idea that's being talked about a lot nowadays. They used to be called "granny flats" or "mother-in-law apartments", and are referred to as "Accessory Dwelling Units" or "ADUs" in the Town of Fairfield.

Homeowners across the country are interested in them for many reasons. An ADU can generate increased income which can help with housing costs. It can provide affordable housing for family members, such as elderly parents, or grown children just starting out.

In Fairfield, a one-family residence within lawful setbacks in Zones AAA, AA, R-3, R-2, A, B and C Zones may be converted into a one-family dwelling with an attached ADU.

Both the ADU and the main residence will have its own kitchen and bathroom, as well as its own entrance and its own parking space on the property.

An ADU may also consist of a free-standing structure on an existing single family residence lot compliant in size in Zones AAA, AA and R-3 in Fairfield.

This guide will help you understand what the design requirements are for accessory dwelling units in Fairfield. You will also gain a better understanding of the application and approval process for either an attached or a detached ADU.

DESIGN REQUIREMENTS

HERE'S A SUMMARY OF WHAT YOU NEED TO KNOW

The principal owner must live in either the primary dwelling or in the ADU. Also, the ADU cannot be larger than 40% of the floor area of the existing house or 1,500 sq. ft., whichever is less.

Access to the ADU may be on the front facade of the residence if separated from the front door of the existing house by at least 10 feet and maintained in appearance similar to the single-family dwelling. At least one off-street parking space is required for the ADU.

ADU occupancy is limited to **no more than 2 persons**, unless it is designated as "affordable housing", in which case the maximum occupancy is 3 persons. Also, neither the existing house nor the ADU may be rented for a period of less than 60 consecutive days.

A free-standing accessory structure may be constructed (or converted, in the case of a detached garage) in Zones AAA, AA and R-3. The ADU must also conform to all required setbacks for ADUs.

THE MANY TYPES OF ADUs

An **attached ADU** connects to an existing house, typically through the construction of an addition along the home's side or rear with a separate entrance. A **garage ADU** makes use of an attached or detached garage by converting the space into a residence.

An **internal ADU** is created when a portion of an existing house (e.g., an entire floor, or part of a floor, or an attic or basement) is partitioned off and renovated to become a separate residence.

HOW TO GET STARTED

THE APPLICATION AND APPROVAL PROCESS

Before starting any ADU conversion or construction, the homeowner must receive a written permit from the Town Planning Director after providing sufficient architectural drawings or clear photographs showing the exterior building alterations being proposed. The owner must also provide interior floor plans showing the floor area of the proposed accessory apartment as well as the primary residence. An A-2 property survey may be required.

If public water and sewer are not available to the residence, the use of private water and septic systems for the proposed ADU must be approved by the Town Dept. of Health. The ADU must comply with all applicable housing, building, fire and health code requirements.

When approved, the homeowner must file an initial affidavit with the Town certifying that the primary residence and the ADU each complies with all requirements. This form is obtained from the Town Zoning Enforcement Officer.

The permit may be revoked if any ADU regulations are not complied with.

Upon a sale of the residence containing the ADU, within 30 days of the transfer of title the new owner must file a form with the Zoning Enforcement Officer indicating an intent to continue the use of the accessory dwelling unit.

HOW TO QUALIFY AS "AFFORDABLE HOUSING"

An ADU may qualify as "affordable housing" subject to the design criteria of Section 8-30g of the Connecticut General Statutes (CGS) provided that the ADU is rented to a tenant whose income is less than or equal to 80% of the Area Median Income (AMI) as their primary residence.

The application needs to be accompanied by a proposed deed, which complies with CGS 8-30g including a 10 year "affordable housing" deed restriction. Also, before an ADU is occupied the applicant must submit satisfactory proof to the Town Planning Director that the deed restriction has been recorded on the Town Land Records.

Before occupancy, by January 31 of each year (and upon a change of tenant) the homeowner must certify that the ADU is rented at or below the maximum rate prescribed by CGS 8-30g. In addition, the tenant must certify to the owner that the tenant's income does not exceed 80% of the AMI.

*This guide was prepared by **Fairfield Senior Advocates** to increase awareness of ADUs. Town of Fairfield zoning regulations may be found at www.fairfieldct.org/zoningregs.*

Rev. September 2022