

## PART C

## SECTION VIII CERTIFICATE OF SUITABILITY

ARTICLE 1 Purpose and Intent

This section results from a recognition that homeownership tends to promote neighborhood stability, security and character. These tendencies are less assured with absentee management. It is also recognized that absentee ownership results in a more business-like use of a residential dwelling uncharacteristic of owner-occupancy. In order to protect the stability, continuity and character of Special Neighborhood Districts as herein defined, a review process is hereby established for non-owner-occupied dwellings located in Special Neighborhood Districts.

ARTICLE 2 Application

- A. This Section VIII shall apply only to properties located in RA, RA-1, RA-2, and RAA Zoning Districts or to other zoning districts as the Planning Commission may determine, in Special Neighborhood Districts as established from time-to-time by the Planning Commission and City of Syracuse Common Council. Special Neighborhood Districts shall be defined as those neighborhoods with a majority of the following characteristics:
1. High tenant occupancy, either measured by a large number of tenants or a high percentage of absentee-landlords.
  2. Constraints on parking, due to lack of driveways or off-street parking and/or limited on-street parking leading to over utilization of curb space.
  3. Street widths which present potential limitations to emergency access.
  4. A propensity for nuisance-type violations (noise, parking in front yards, illegal parking, litter and trash problems, etc.).
  5. Architectural styles such as those with large square footages, allowing for a higher population density.
  6. Architectural styles of single-family housing conducive to the conversion to multi-tenant use.
  7. Population density approaching levels such as to significantly increase demand on City services.
  8. Proximity to land uses which generate or are associated with a high intensity of use, with resulting impacts of traffic, noise, etc.
  9. Terrain or other physical and environmental features which represent constraints on further development.
  10. Atypical real estate market dynamics.
- B. This Section shall not apply to properties located in Special Neighborhood Districts occupied by an individual or family temporarily occupying the dwelling as live-in security where the owner's legal domicile remains at the property and the owner intends to resume residence on the premises.

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- C. This Section shall not apply to properties located in Special Neighborhood Districts which are owner-occupied and for which there is a change in ownership without a change of occupant, provided the use and occupancy were legally existing at the time of the adoption of this Section.
- D. This Section shall not apply to properties located in Special Neighborhood Districts which have received a special permit or use variance in accordance with this Ordinance.

ARTICLE 3 Issuing Agencies

- A. The Issuing Agency for a Certificate of Suitability shall be the Zoning Administrator, except that where the Zoning Administrator withdraws as the Issuing Agency in favor of the Planning Commission.
- B. Persons aggrieved by a decision of the Zoning Administrator may seek relief from the Planning Commission. Persons aggrieved by a decision of the Planning Commission may seek judicial review pursuant to Article 78 of the New York Civil Practice Law and Rules. The Board of Zoning Appeals shall have no jurisdiction to review the decision of the Issuing Agency under this Section.

ARTICLE 4 Review and Definitions

- A. All residential uses, except as limited above, must receive a Certificate of Suitability issued in accordance with this Section 1) on or before the two (2) year anniversary date of the establishment of the applicable Special Neighborhood District (this shall not supersede the requirements in subsections 2, 3 and 4 below); 2) prior to the transfer of title to said premises (or, in the case of a written land contract affecting said premises, no more than thirty (30) days after the execution of such contract); 3) prior to the issuance of a permit or certificate from the City Division of Code Enforcement or the appropriate permitting Department or Division; 4) upon a violation of the terms of the Certificate of Suitability as determined by the Zoning Administrator or City Division of Code Enforcement or other such entity or official so designated.
- B. Absentee-Owner shall be defined as any person, corporation, partnership or other entity which holds title to the land, building and/or structure on a property located in a Special Neighborhood District where that property is not the owner's legal domicile.
- C. Occupancy shall be defined as the number of persons residing on the premises.
- D. Occupant shall be defined as the actual individual residing on the premises.

ARTICLE 5 Procedure

- A. In accordance with this Section, the owner of the premises must submit an application for a Certificate of Suitability to the Zoning Administrator. That application must include:
  - 1. The address of the premises.
  - 2. The name and address of the owner of the premises.
  - 3. The occupancy per unit.
  - 4. The number of parking spaces on-site.
  - 5. Sketch floor plan of the interior of each unit in the dwelling marking the uses of each room and location, dimensions and use of proposed alterations to floor space. The sketch floor plan should be drawn to a convenient scale but not less than 1/4"=1'.

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6. Sketch site plan of the exterior of the dwelling locating all structures on the premises, all parking areas, the names of adjacent streets, fences or screening, and any proposed alterations thereto. The sketch plan shall be drawn to convenient scale but not less than 1"=20'.
  7. Accurate survey prepared by a licensed surveyor certified to the City of Syracuse and Syracuse Planning Commission.
  8. An application shall be deemed submitted on the date it is determined completed by the Zoning Administrator.
- B. Review by other agencies: The Issuing Agency may forward copies of the application to such officials and departments of the City for review, as it deems appropriate.
- C. Action: Within thirty (30) days of receipt of a completed application, unless such time is extended by mutual agreement with the applicant, the Issuing Agency shall approve or disapprove the application. The decision of the Issuing Agency shall be filed with the City Division of Code Enforcement or other such entity or official so designated and the Office of the Issuing Agency, with a copy to the applicant. Failure to take action within the time specified, unless extended, shall constitute disapproval.
- D. Standards: In considering and approving a Certificate of Suitability, the Issuing Agency shall take into consideration the purpose of this Ordinance, including the purposes of the applicable zoning district or districts, and, as a condition of approval, may require such modification of the proposed plans for the premises as the Issuing Agency deems necessary to comply with the spirit and letter of this Ordinance. The Issuing Agency shall specifically take into account the following:
1. Compliance with the definition of "single housekeeping" as set forth in this Ordinance.
  2. Character of building and site orientation and overall internal design which will enhance and protect the character of a residential structure in the appropriate residential zone.
    - (a) Internal traffic pattern of occupants to achieve a cohesive flow throughout the floor(s) for both ingress and egress from the premises and within the premises such that the floor plan achieves a single housekeeping unit.
    - (b) Utilization of the premises should be in character with the appropriate residential zone such as single-family use in a single-family zone.
    - (c) Common area, as set forth in this Ordinance, within the premises to accommodate a single housekeeping unit and avoid a high density of occupants residing in the structure so as to achieve reasonable neighborhood density appropriate for the particular residential neighborhood.
    - (d) Number of occupants in the premises compared to the number of on-site parking spaces provided.

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3. Character of building and overall site orientation as it relates to the safety and security of the occupants who reside on the premises.
  - (a) Safe, adequate and convenient pedestrian traffic, both interior and exterior.
  - (b) Compliance with all applicable Zoning, Housing, Fire, Health and related Codes, Rules, Laws or Ordinances.

ARTICLE 6 New Absentee Ownership Status

As of the effective date of this amendment, all properties within the Special Neighborhood District which would newly come into status as absentee-owned, and all properties which should have acquired a Certificate of Suitability but have not because of denied applications or failure to submit complete applications, shall be subject to the following requirements (properties with Certificates of Suitability issued prior to the effective date of this amendment are unaffected unless changes are involved with either the interior or exterior components of the properties):

- A. Floor plans shall be submitted to be used to determine the space qualifying as potential bedrooms.
- B. One off-street parking space shall be required for each potential bedroom. Labeling potential bedrooms as other types of rooms to avoid additional parking requirements is not acceptable.
- C. A property survey and accurately drawn site plan shall be submitted showing the existing parking and driveway layout.
- D. The existing parking arrangement shall be evaluated by the Office of Zoning Administration to determine its legal status and its capacity to meet the parking requirement. (Illegal driveways and parking surface expansions shall not be accepted as meeting the parking requirement).
- E. If the existing legal parking/driveway arrangement is insufficient to meet the parking requirements, then considerations for expansion can be made within the limits of parking surface and driveway coverage restrictions, and within the limitations imposed by any required Certificates of Appropriateness.
- F. If a property cannot meet the parking requirements without exceeding the coverage restrictions, no Certificate of Suitability shall be issued, and any transfer of title to an absentee-owner shall be considered in violation of the Certificate of Suitability requirements. (Subject to proof under State Law, Variances of this restriction may be applied for only by current title holders who are not absentee-owners. No prospective purchaser shall be entitled to seek a Variance in this instance.)

Adopted 2/25/91  
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