



## **GUEST COTTAGE**

**This is a supplement to the Citizen's Guide, which provides basic information about Adirondack Park Agency regulations.**

Pursuant to Section 802 of the Adirondack Park Agency Act, a “single family dwelling” is a detached building containing one dwelling unit, and a “mobile home” is a self-contained dwelling unit that is designed to be transported on its own wheels or those of another vehicle and is used for either permanent or seasonal occupancy<sup>1</sup>. Both single family dwellings and mobile homes are subject to the overall intensity guidelines of the Act, which means that whenever an Agency permit is required for their construction, the associated property must contain a minimum amount of acreage, depending on the land use classification.

Accessory structures are not subject to the overall intensity guidelines; therefore, there is no minimum acreage for their construction. The APA Act and Agency regulations allow for a dwelling unit that would otherwise constitute either a single family dwelling or mobile home to be considered an accessory structure guest cottage in the following circumstances:

- There is a lawfully existing single family dwelling on the property;
- The guest cottage is used only on an occasional basis;
- The guest cottage is used only by guests of the resident(s) of the single family dwelling;
- The guest cottage is not offered or available for rent or hire separately from the single family dwelling;
- The guest cottage contains one-half or less of the enclosed floor space<sup>2</sup> of the single family dwelling or 2000 square feet, whichever is less; and
- The guest cottage is incidental and subordinate to the single family dwelling.

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<sup>1</sup> A “dwelling unit” is a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation, as defined in the Residential Code of New York State.

<sup>2</sup> For Agency purposes, the floor space of a building is the area in square feet measured from the structure’s exterior walls, and includes the sum total of all floor areas, as well as the measurement of all porches, covered decks, and other components with a roof or cover, and finished attics and basements.

Only one dwelling unit may be considered an accessory structure guest cottage for each single family dwelling on a property. Upon conveyance of a guest cottage separately from the associated single family dwelling, the guest cottage will no longer be considered accessory and may constitute a single family dwelling or mobile home subject to the overall intensity guidelines.

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This flyer is intended to provide general information regarding Agency jurisdiction. Other provisions or restrictions may apply if an Agency permit or variance is required or if the property has previously been subject to Agency review.

Please contact the Agency with any questions at 518-891-4050. For a binding written response as to whether a specific proposal requires Agency review, please submit a Jurisdictional Inquiry Form (JIF). The JIF form is available on the Agency website at [www.apa.ny.gov/Forms/jiform.pdf](http://www.apa.ny.gov/Forms/jiform.pdf).