



HOTELS, MOTELS, AND OTHER TOURIST ACCOMMODATIONS

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

What is a Tourist Accommodation?

Under the Adirondack Park Agency Act (APA Act), a tourist accommodation is any hotel, motel, resort, tourist cabin or similar facility designed to house the general public.

The Agency generally does not consider the long-term rental of a lawfully existing single family dwelling or other lawful dwelling unit on a property to be a tourist accommodation. In addition, the Agency does not consider a short-term rental to be a tourist accommodation when:

1. Only one party rents on a single lot at any time, and no other persons are living or renting on the lot at that time;
2. Only lawfully existing structures are rented; and
3. No off-site services are advertised with the rental, such as catering or music for an event.¹

When is a Tourist Accommodation Permit Required?

A permit is required for the establishment of any new tourist accommodation outside of a Hamlet land use area.² In addition, a permit is required for the expansion of a lawfully existing tourist accommodation that increases the number of available units by 25% or more or increases the square footage of principal buildings associated with the use by 25% or more.

The Density Calculation and Tourist Accommodations

For density purposes, a stand-alone tourist cabin or other similar structure containing three hundred square feet or more of floor space counts as a full principal building, while stand-alone structures containing less than three hundred square feet of floor space and tourist accommodation units attached to a similar unit by a party wall count

¹ Bed and breakfasts that meet the criteria laid out in Agency regulations at 9 NYCRR § 573.8(b) are also not considered tourist accommodations.

² In Hamlet areas, a permit may be required for the establishment of a tourist accommodation involving 100 or more rental units.

as one-tenth of a principal building each. However, any stand-alone cabin or other rental unit that contains a dwelling unit³ constitutes a principal building, regardless of the structure or unit's size.

The density calculation under the APA Act is relevant when a permit is needed, as the size of the parcel on which a tourist accommodation is located could limit the number of rental units available. In addition, as noted above, only principal buildings are considered when calculating whether a permit is required for an expansion in square footage of a lawfully existing tourist accommodation.

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.

³ 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.