



PLANNING AND DEVELOPMENT SERVICES

BOISE CITY HALL: 150 N. CAPITOL BLVD | MAIL: PO BOX 500, BOISE ID 83701-0500

CITYOFBOISE.ORG/PDS | P: 208-608-7100 | F: 208-384-3753 | TTY/TTD: 800-377-3529

Legal Non-Conforming Use Confirmation, Change or Minor and Major Expansions

1. **Completed Application**
2. **Detailed Letter of Explanation** which includes the non-conforming use you are applying for, and a history of the property and the documentation being provided.
3. **Statement of Legal Interest** (download [form](#)). Form must be completed by the legal owner of record.
4. **Detailed Site Plan** which includes:
 - a. Drawing scale.
 - b. All existing and proposed structures labeled with their size and existing and/or proposed uses.
 - c. North arrow.
 - d. Name of applicant, plan preparer, project name and project address on title block.
 - e. Size of parcel (acres or square feet), property lines, and all required setbacks with dimensions.
 - f. Locations and widths of right-of-way, easements, canals, ditches, drainage facilities, or significant grade changes, and note any proposed changes or improvements.
 - g. Usable open space areas with dimensions and total size.
 - h. Sidewalks adjacent to the site. Indicate whether sidewalks are existing or proposed and attached or detached.
 - i. Show all pedestrian walkways internal to the site which connects buildings to each other, mail locations, solid waste enclosures, amenities, parking areas, and adjacent rights-of-way and demonstrate that they meet ADA accessibility requirements.
 - j. Parking and loading areas with stalls and drive aisles shown and any garage door widths dimensioned. Include required accessible parking spaces.
 - k. Solid waste storage and collection plan with proposed screening method.
 - l. Fire Department access roadway clearly delineated.
 - m. Existing/proposed utility service.
 - n. Any cross access or connections to adjacent properties.
 - o. Location of any signs



PLANNING AND DEVELOPMENT SERVICES

BOISE CITY HALL: 150 N. CAPITOL BLVD | MAIL: PO BOX 500, BOISE ID 83701-0500

CITYOFBOISE.ORG/PDS | P: 208-608-7100 | F: 208-384-3753 | TTY/TTD: 800-377-3529

5. **Site Photos**, colored and labeled, of the site and surrounding area showing building con

6. **For Legal Non-Conforming structures established before 1966:**

Two Forms of Use Existence Documentation. A minimum of two forms, or combination thereof, which covers the time period in question are required. Documentation must prove the following:

- a. The use was on site prior to the Boise City Zoning Ordinance establishment (August 14, 1966) or the use was legally established in the County prior to the date of annexation into Boise City, whichever date is later.
- b. The use has been continuous since the Boise City Zoning Ordinance establishment, or the date of annexation into Boise City, whichever date is later.

Examples documentation may include:

- i. Copies from city (Polk) directories showing use of property from (Date) to (Date). Polk directories are available on the 3rd Floor of the Boise Public Library.
- ii. letters from (Name) who lives nearby at (Address), verifying and describing the use from (Date) through (Date).
- iii. Assessor's tax records (only available from 1977 to current).
- iv. Licenses showing dates of use (Food, beverages, animal, etc.)
- v. Statements from utilities such as power, water or gas, which indicate the use and date.
- vi. Receipts from purchases relating to the use or for goods or services provided if the use is a type of business. If the property is rented, receipts or ads showing dates of use

7. **For Legal Non-Conforming structures established prior to the zoning code ordinance of 2023:**

Proof that the structure/use was approved per the previous code

- a. Building permit and a copy of the Certificate of Occupancy
- b. Planning approval action letter, and a copy of the building permit associated (if applicable).

Note: If a non-conforming use is discontinued or had been discontinued for a period of 6 months for residential or agricultural uses, 1 year for commercial and industrial uses, or 2 years for livestock use, then grandfather rights cease. If you lose a grandfather right, it cannot be re-established under the Boise City Code. In such a case, the property may only be used for



PLANNING AND DEVELOPMENT SERVICES

BOISE CITY HALL: 150 N. CAPITOL BLVD | MAIL: PO BOX 500, BOISE ID 83701-0500

CITYOFBOISE.ORG/PDS | P: 208-608-7100 | F: 208-384-3753 | TTY/TTD: 800-377-3529

purposes specified in the Zoning Ordinance. The non-conforming use must either be discontinued or moved to a property which has the correct zoning.