



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

Documents

- Completed Application.**
- Detailed Letter of Explanation**, which includes:
 - a. The non-conforming use being applied for.
 - b. History of the property and summary of the documentation being provided.
 - c. Speak to the approval findings for the requested entitlement per [§11-05-05.2](#).
- Statement of Legal Interest.** [Download form](#). Form must be completed and signed by the legal owner of record.
- Site Photos.** Colored and labeled photographs of the site and surrounding area showing building context.

Drawings

- Detailed Site Plan**, which includes:
 - a. Name of applicant, plan preparer, project name, and project address on title block.
 - b. Drawing scale and North arrow.
 - c. Size of parcel in acres or square footage, property lines, and all required setbacks with dimensions.
 - d. All existing and proposed structures labeled with their size and existing and/or proposed uses.
 - e. Locations and widths of right-of-way, easements, canals, ditches, drainage facilities, or significant grade changes, and note any proposed changes or improvements.
 - f. Sidewalks adjacent to the site. Indicate whether sidewalks are existing or proposed and attached or detached.
 - g. Pedestrian walkways internal to the site which connect buildings to each other, mail locations, solid waste enclosures, amenities, parking areas, and adjacent rights-of-way.
 - h. Parking and loading areas with stalls and drive aisle shown and any garage door widths dimensioned. Include accessible parking spaces.

For Legal Non-Conforming structures established before 1966:

- Two forms of **Use Existence documentation**.

A minimum of two forms, or combination thereof, which cover the 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; AND
- 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.

Appropriate documentation may include (but are not limited to):

- i. Copies from Polk directories showing use of property from (Date) to (Current).
- ii. Letters from a nearby neighbor of the property, verifying and describing the use from (Date) to (Current).
- iii. Assessor's tax records (available from 1977 through Current).
- iv. Licenses showing dates of use (food, beverages, animal, etc.)
- v. Statements from the utility company (gas, water, or power) 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.

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 associated Building Permit (if applicable.)

Note: If a non-conforming use is 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 the grandfather rights cease. If a grandfather right is ceased, it cannot be re-established under the Boise City Code. In such a case, the property may only be used for purposes specified in the Zoning Ordinance. The non-conforming use must either be discontinued or moved to a property with the correct zoning.

