

House File 701

H-1081

1 Amend House File 701 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. Section 335.3, Code 2019, is amended to read as
5 follows:

6 **335.3 Powers.**

7 1. Subject to [section 335.2](#), the board of supervisors
8 may by ordinance regulate and restrict the height, number of
9 structures, and size of buildings and other structures, the
10 percentage of lot that may be occupied, the size of yards,
11 courts, and other open spaces, the density of population,
12 and the location and use of buildings, structures, and land
13 for trade, industry, residence, or other purposes, and may
14 regulate, restrict, and prohibit the use for residential
15 purposes of tents, trailers, and portable or potentially
16 portable structures. However, such powers shall be exercised
17 only with reference to land and structures located within the
18 county but lying outside of the corporate limits of any city.

19 2. When there is a replacement of a preexisting
20 manufactured, modular, or mobile home with another
21 manufactured, modular, or mobile home containing no more than
22 the original number of dwelling units, or a replacement of
23 a preexisting site-built dwelling unit with a manufactured,
24 modular, or mobile home or site-built dwelling unit, within a
25 manufactured home community or a mobile home park, the board
26 of supervisors shall not adopt or enforce any ordinance,
27 regulation, or restriction that would prevent the continuance
28 of the property owner's lawful nonconforming use that had
29 existed relating to the preexisting home unless any of the
30 following apply:

31 a. A discontinuance is necessary for the safety of life or
32 property.

33 b. The nonconforming use has been discontinued for
34 the period of time established by ordinance, unless such
35 discontinuance is caused by circumstances outside the control

1 of the property owner. The period of time so established shall
2 be not less than one year.

3 c. The replacement results in the overall nature and
4 character of the present use being substantially or entirely
5 different from the original lawful preexisting nonconforming
6 use.

7 d. The replacement results in an obstruction to a shared
8 driveway or shared sidewalk providing vehicular or pedestrian
9 access to other homes and uses unless the property owner
10 makes modifications to such shared driveway or sidewalk
11 that extinguishes such obstruction or the effects of such
12 obstruction.

13 Sec. 2. Section 414.1, subsection 1, Code 2019, is amended
14 by adding the following new paragraph:

15 NEW PARAGRAPH. c. When there is a replacement of a
16 preexisting manufactured, modular, or mobile home with another
17 manufactured, modular, or mobile home containing no more than
18 the original number of dwelling units, or a replacement of
19 a preexisting site-built dwelling unit with a manufactured,
20 modular, or mobile home or site-built dwelling unit, within a
21 manufactured home community or a mobile home park, the city
22 shall not adopt or enforce any ordinance, regulation, or
23 restriction that would prevent the continuance of the property
24 owner's lawful nonconforming use that had existed relating to
25 the preexisting home unless any of the following apply:

26 (1) A discontinuance is necessary for the safety of life or
27 property.

28 (2) The nonconforming use has been discontinued for
29 the period of time established by ordinance, unless such
30 discontinuance is caused by circumstances outside the control
31 of the property owner. The period of time so established shall
32 be not less than one year.

33 (3) The replacement results in the overall nature and
34 character of the present use being substantially or entirely
35 different from the original lawful preexisting nonconforming

1 use.

2 (4) The replacement results in an obstruction to a shared
3 driveway or shared sidewalk providing vehicular or pedestrian
4 access to other homes and uses unless the property owner
5 makes modifications to such shared driveway or sidewalk
6 that extinguishes such obstruction or the effects of such
7 obstruction.>

8 2. Title page, by striking lines 1 and 2 and inserting
9 <An Act relating to the continuance of lawful preexisting
10 nonconforming uses by manufactured, modular, and mobile homes
11 and site-built dwelling units.>

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