

House File 701 - Introduced

HOUSE FILE 701
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 100)

A BILL FOR

1 An Act relating to the continuance of lawful preexisting
2 nonconforming uses by manufactured and mobile homes.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 335.3, Code 2019, is amended to read as
2 follows:

3 **335.3 Powers.**

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

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

25 a. A discontinuance is necessary for the safety of life or
26 property.

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

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

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

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

9 NEW PARAGRAPH. c. When there is a replacement of
10 a preexisting manufactured or mobile home with another
11 manufactured or mobile home, containing no more than the
12 original number of dwelling units, within a manufactured home
13 community or a mobile home park, respectively, the city shall
14 not adopt or enforce any ordinance, regulation, or restriction
15 that would prevent the continuance of the property owner's
16 lawful nonconforming use that had existed relating to the
17 preexisting home unless any of the following apply:

18 (1) A discontinuance is necessary for the safety of life or
19 property.

20 (2) The nonconforming use has been discontinued for
21 the period of time established by ordinance, unless such
22 discontinuance is caused by circumstances outside the control
23 of the property owner. The period of time so established shall
24 be not less than one year.

25 (3) The replacement results in the overall nature and
26 character of the present use being substantially or entirely
27 different from the original lawful preexisting nonconforming
28 use.

29 (4) The replacement results in an obstruction to a shared
30 driveway or shared sidewalk providing vehicular or pedestrian
31 access to other homes and uses unless the property owner
32 makes modifications to such shared driveway or sidewalk
33 that extinguishes such obstruction or the effects of such
34 obstruction.

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EXPLANATION

H.F. 701

1 The inclusion of this explanation does not constitute agreement with
2 the explanation's substance by the members of the general assembly.

3 This bill affects the powers of cities and counties when
4 enforcing zoning ordinances. The bill prohibits a city or
5 county from adopting or enforcing an ordinance, regulation,
6 or restriction that would prevent a nonconforming use of
7 a manufactured or mobile home from continuing if the use
8 was legal before adoption of such ordinance, regulation, or
9 restriction unless, with some exceptions, a discontinuance is
10 necessary for the safety of life or property, the nonconforming
11 use is legally abandoned after a period of time as determined
12 by ordinance has passed, if a replacement results in the
13 overall nature and character of the present use being
14 substantially or entirely different from the original lawful
15 preexisting nonconforming use, or the replacement results in an
16 obstruction to a shared driveway or shared sidewalk providing
17 vehicular or pedestrian access to other homes and uses.