

335.3 Powers.

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

2. *a.* Except as provided in paragraph “*b*”, when there is a replacement of a preexisting manufactured, modular, or mobile home with any other manufactured, modular, or mobile home containing no more than the original number of dwelling units, or a replacement of a preexisting site-built dwelling unit with a manufactured, modular, or mobile home or site-built dwelling unit, within a manufactured home community or a mobile home park, the board of supervisors shall not adopt or enforce any ordinance, regulation, or restriction, or impose any conditions on the replacement home, home site upon which the home sits, or the owner’s property that were not required of the preexisting home, home site, or property, that would prevent the continuance of the property owner’s lawful nonconforming use that had existed relating to the preexisting home, home site upon which the home sat, or the owner’s property.

b. Paragraph “*a*” does not apply if any of the following conditions exist:

(1) The replacement of the preexisting home with the replacement home would substantially increase the risk to the safety of life or property.

(2) The property owner has discontinued and abandoned the nonconforming use for the period of time established by ordinance, unless such discontinuance is caused by circumstances outside the control of the property owner. The period of time so established shall be not less than one year. For purposes of this subparagraph, circumstances outside the control of the property owner include floods, fires, destructive thunderstorm events such as derechos and tornadoes, and similar catastrophic events causing widespread or localized severe property damage. For purposes of this subparagraph, a property owner shall not be considered to have discontinued and abandoned the nonconforming use if the property owner demonstrates that the applicable home site continues to be available for use as a home site for a replacement home.

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

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

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §358A.3; [81 Acts, ch 117, §1071](#)]

C93, §335.3

[2019 Acts, ch 43, §1](#); [2022 Acts, ch 1070, §17](#)

Subsection 2 amended