

Senate File 368

S-3071

1 Amend Senate File 368 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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JAKE CHAPMAN