

hearing, as discussed in § 152.029(F), the Planning Board will consider the planner's recommendation, written public comment and testimony during the public hearing. The Planning Board shall then prepare and submit a written recommendation to the Board of Commissioners as soon as practical, but not later than 35 days following the date of the Planning Board public hearing. Failure of the Planning Board to submit a recommendation to the Board of Commissioners within the prescribed time limit shall be construed as a favorable recommendation.

(H) *Board of Commissioners action.* At its first monthly meeting following receipt of the recommendations from the Planning Board, the Board of Commissioners will approve, deny or table each request of application for amendment of this chapter. The Board will consider the Planning Board's recommendation, written public comment, and testimony during the public hearing, and the planner's recommendations, in its decision. Additional testimony, not presented at the public hearing, will be considered at the Mayor's discretion.

(I) *Effect of denial or withdrawal on subsequent applications.* When the Board of Commissioners shall have denied an application for an amendment or the application shall have been withdrawn by the applicant by written notice after the publication of the first public hearing required, the Town Planner shall not accept another application for the same or similar amendment affecting the same property or portion thereof, until the expiration of a 12-month period extending from the date of denial or withdrawal as appropriate. Nothing in this section, however, shall prohibit the Board of Commissioners or Planning Board from initiating an amendment for any property at any time.

(J) *Protests.* In case, however, of a protest against the change, signed by the owners of 20% or no more either of the area of the lots included in a proposed change, or of those immediately adjacent thereto either in the rear thereof or on either side thereof, extending 100 feet there from, or of those directly opposite thereto extending 100 feet from the street frontage of the opposite lots, an amendment shall not become effective except by favorable vote of three-fourths of all the members of the Board of Commissioners. The foregoing provisions concerning protests shall not be applicable to any amendment which initially zones property added to the territorial coverage of the ordinance as a result of annexation or otherwise.

(K) *Protest petition form, requirements, time for filing.* No protest against any change in or amendment to a zoning ordinance or zoning map shall be valid or effective unless it be in the form of a written petition actually bearing the signatures of the requisite number of property owners and stating that the signers do protest the proposed change of amendment, and unless it shall have been received by the Town Clerk in sufficient time to allow the town at least two normal work days, excluding Saturdays, Sundays and legal holidays, before the date established for a public hearing on the proposed change or amendment to determine the sufficiency and accuracy of the petition. The Board of Commissioners may by ordinance require that all protest petitions be on a form prescribed and furnished by the town, and the form may prescribe any reasonable information deemed necessary to permit the town to determine the sufficiency and accuracy of the petition.

(L) *Manufactured Home Park Ordinance.* All future manufactured home communities shall have a minimum lot size of 10,000 square feet for each lot and a maximum density of four units per acre. House numbers shall be posted on each unit. All Manufactured homes located on existing nonconforming lots shall be grandfathered. If a grandfathered Manufactured home park is sold by the existing owner, the park will remain grandfathered.

(M) *Older Manufactured home units.* All Manufactured homes located within the town's jurisdiction, older than 1976, shall require a special use permit.

(N) *Residential units allowed per building lot.* There shall be no more than one principal residential building on a lot except as may be defined in § 152.084 on planned unit developments, and the Agricultural Residential Zone as provided for as follows:

(1) Two detached principle residential units may be situated on one lot provided:

Modular

(a) At least one of the units is a ~~manufactured~~ modular dwelling and one of the units is a single-family detached home (built according to State Building Code standards);

(b) The lot is at least two acres in area; and