Section 1. Purpose

It is declared a necessary public purpose for the preservation of the Public Health, Safety, and Welfare, and prevention of public nuisance, to regulate minimum lot size upon which all new dwellings are erected or placed in the Town of Whitefield ."

Section 2. Authority and Administration

A.   Authority: This Ordinance is adopted pursuant to and consistent with Title 30 M.R.S.A., Section 1917, and may be known and cited as the "Minimum Lot Size Ordinance of the Town of Whitefield".

B.   Administration: The Planning Board of the Town of Whitefield shall administer this Ordinance.

Section 3. Applicability

This Ordinance shall apply to all seasonal or permanent houses, mobile homes, modular homes, and all other dwellings erected or placed on land within the Town of Whitefield. The setback requirements of this Ordinance shall apply to any new physical structures or additions to existing structures.

Section 4. Specifications

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A.   The minimum lot size for all new dwellings shall be 1 1/2 acres per dwelling, and shall be of such dimensions as to accommodate within the boundaries a square measuring no less than 140 by 140 feet.

B.   All new physical structures or additions to existing structures shall be set back a minimum of 70 feet from the center of the traveled way portion of any highway within the Town of Whitefield.

C.   No part of any new physical structure or additions to existing structures shall be closer than 15 feet to any property line *except as noted in "D" below.

* D.   No part of any new commercial or industrial structure shall be less than 50 feet to any property line.

* E.   After March 17, 1990, all newly created lots shall have' a minimum of 200 feet of frontage on a public or private road. Where a cul-de-sac has been created, the minimum frontage requirement may be waived by the Planning Board if the side of the lot most perpendicular to the cul-de-sac is at least 200 feet in length.

Section 5. Qualifications
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      A.   Any lot conveyed by registered deed to the present owner(s) prior to enactment of this Ordinance (March 1976, amended March 1984), which is of smaller size or dimensions than specified in section 4, above, may be utilized as a building by the present owner(s).

      B.   Any dwelling destroyed by fire or other act of God and which is on a lot of smaller size or dimensions than specified in Section # 4, above, may be replaced by any type of dwelling so long as replacement is complete and substantially underway within 2 years of the date of the original loss, and the new dwelling is located no closer to property lines than was the original.
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Section 6. Waiver and Modifications of this Ordinance

      A.   Where the Planning Board finds that extraordinary and unnecessary hardships may result from strict compliance with this Ordinance. or where there are special circumstances of a particular building lot location, it may waive any provision of this Ordinance, provided that such waiver will not have the effect of nullify the purpose of the Ordinance, the Comprehensive Plan, the Shoreland Zoning Ordinance, or any other Ordinances or regulations.

      B.   In granting any waiver, the Planning Board shall require such conditions as will, in its judgments, secure substantially the objectives of the requirements so waived.

Section 7. Validity, Effective Date, Conflict of Ordinances

      A.   Validity: Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of the Ordinance, and to this end, the provisions of this Ordinance are hereby declared to be severable.

      B.   Effective Date; March 20, 1976; Amended March 17, 1984

      C.   Conflict of Ordinances: This Ordinance shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other rule, regulation, by-law, permit or provision of law, where this ordinance imposes a higher standard for the promotion and protection of health, safety, or welfare, the provisions of this Ordinance will prevail.

Section 8. Appeal

If the Planning Board shall disapprove a request for waiver of any provision of this Ordinance or grant approval of such request with conditions that are objectionable to any person, affected directly or indirectly, or when it is claimed that the provisions of this Ordinance do not apply, or that the true intent and meaning, of this Ordinance have been misconstrued or wrongfully interpreted, any person, affected directly or indirectly, may appeal in writing from the decision of the Planning Board to the Whitefield Board of Appeals established in accordance with .Title 30, M.R.S.A., Section 2411. Said appeal must be made within 30 days of the Planning Board's written decision.

Section 9. Amendments

This Ordinance may be amended by a majority vote in a special or regular Town Meeting of Whitefield.

Section 10. Enforcement

A.   The Planning Board shall act in all cases of violations of this Ordinance by notifying, in writing, the owner or lessor of the lot and the Selectmen of the kind of nature of the violation and the correction of same if possible. Said notification shall be deemed to have been made when sent to the owner or lessee by certified mail.

B.   The Selectmen are charged with the prosecution for violations of the provisions of this Ordinance. In cases where such notices referred to in Paragraph 10A, above, are not promptly complied with after receipt of said notices, the Selectmen shall make complaints to the courts as, in their judgment, are proper, or may institute such actions or proceedings at law or in equity as are proper to restrain, correct, remove, or punish such violations.

C.   Any person or Corporation who shall violate any of the provisions of this Ordinance or fail to comply with any of the requirements thereof shall, upon conviction, be punished by a fine of not less that $25.00 and not more than $100.00 and each day on which such violation shall continue shall constitute a separate offense.