

ARTICLE III

CONTROL OF SUBDIVISION, RECORDING OF PLANS, DEDICATIONS OF PROPERTY AND IMPROVEMENTS

SECTION 300 CONTROL OF SUBDIVISION AND LAND DEVELOPMENT

1. From and after the effective date of this Ordinance, no subdivision or land development of any lot, tract, or parcel of land, within the Township shall be made, and no street, sanitary sewer, storm sewer, water main or other facility in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel or for the common use of occupants of buildings abutting thereon, nor shall any land development be effected, except in strict accordance with the provisions of this Ordinance and the Township Zoning Ordinance.

2. No lot in a subdivision may be sold, no permit to erect, alter or repair any building upon land in a subdivision or land development may be issued, and no building may be erected in a subdivision or land development unless and until a plan for the subdivision or land development has been approved by the Hamiltonban Township Board of Supervisors and recorded, and until the improvements required by the Hamiltonban Township Board of Supervisors in connection therewith have either been constructed in strict accordance with the standards and specifications of the Township or guaranteed as provided in Section 700 of this Ordinance. All streets, whether public or private, in and bordering a subdivision or land development shall be coordinated, and be of such widths and grades and in such locations as deemed necessary to accommodate prospective traffic, and facilitate fire protection. The land whereon buildings are to be constructed shall be of such character that it can be used for building purposes without danger to health, or peril from fire, flood, or other hazards.

3. Where, owing to special conditions, the literal enforcement of the provisions of this Ordinance will exact undue hardship because of peculiar conditions pertaining to the land in question, the Board may grant a modification or modifications of the requirements of this Ordinance, provided that such modification or modifications will not be contrary to the public interest and that the purpose and intent of this Ordinance is observed; provided, however, that the Board shall have the authority to grant modifications of the requirements of one (1) or more provisions of this Ordinance. All requests for a modification or modifications of the requirements of one (1) or more of the provisions of this Ordinance shall be in writing and shall accompany and be a part of the initial application for development. The request shall state in full the grounds and facts of reasonableness or hardship on which the request is based, the provision or provisions of this Ordinance involved, and the minimum modification necessary. All requests for modification shall be referred to the Planning Commission for advisory comments. The Board shall keep a written record of all action on all requests for modifications.

**SECTION 301 RECORDING OF FINAL PLANS AND DEDICATION OF
PROPERTY AND IMPROVEMENTS**

Upon approval of a final plan, the plan shall within ninety (90) days of such final approval be recorded in the Office of the Recorder of Deeds of Adams County; and the streets, parks, and other public improvements shown thereon shall then be considered to be a part of the Official Plan of the Township. Offers of dedication of such public improvements to the Township may be made on the plans by formal notification thereof, or the applicant may note on the plans that such improvements have not been offered for dedication to the Township. Every street, park, or other improvement shown on a recorded subdivision plan shall be deemed to be a private street, park, or improvement until such time as the same has been offered for dedication to the Township and accepted by ordinance or resolution duly adopted by the Township and, if required by law, recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, or until it has been condemned for use as a public street, park, or other improvement. The responsibility of recording the final plan is that of the developer. Following the recording, the developer shall provide proof of the recording in the form of a copy of the County receipt to the Township Secretary for the Township records.