

Rule 14. Land Use Appeals: Zoning, Subdivision and Land Development.

- a. Caption. Appeals from the decision of a governing body, planning commission (where empowered to render a decision), or a zoning hearing board shall be captioned as follows:
 - (i) Appeal of _____ from the decision dated _____ of the [governing body, planning commission, or zoning hearing board].
 - (ii) Where appeals are filed from both a notice of decision and a decision containing findings of fact, conclusions of law, and reasons, the appeals shall be filed under the same case number assigned to the appeal filed first. The second filed notice of appeal, if any, shall be titled “Supplemental Notice of Appeal”.
- b. Service of Appeal.
 - (i) Upon the filing of the notice of appeal of a decision of a zoning hearing board or of a decision of the governing body in a zoning matter, the appellant shall serve a copy of the notice of appeal upon the following, based upon the entity making the decision: zoning hearing board, the zoning hearing board solicitor, the municipality, the municipal solicitor, and all persons granted party status before the zoning hearing board or governing body.
 - (ii) Upon the filing of an appeal from the decision of a municipality or municipal planning commission in a subdivision or land development matter or in a matter involving a planned residential development, the appellant shall serve a copy of the notice of appeal on the municipality and the municipal solicitor. In appeals of a decision of the municipality involving a planned residential development or a subdivision or land development matter where the municipality conducted a public hearing, the appellant shall also serve a copy of the notice of appeal on all persons granted party status at the public hearing.
- c. Record on Appeal.
 - (i) Within 30 days of the service of the notice of appeal, unless extended by agreement of the parties, the municipality or municipal agency shall file the return of record with the Prothonotary.
 - (ii) The record in an appeal from a decision of the zoning hearing board or the decision of the governing body in a conditional use application or other zoning proceeding heard by the governing body pursuant to the Pennsylvania Municipalities Planning Code, other than as set forth in (iii) below, shall include, but not be limited to, a copy of the complete municipal zoning ordinance and zoning map, the application, transcripts, hearing or meeting exhibits, plans, drawings, municipal staff and consultant review letters, county review letters, notice of decision, decision containing findings of fact, conclusions of law, and reasons. The return of record shall include a certification from the zoning officer or other designated municipal officer

that the return is the complete and accurate record and that the ordinance and map are those in effect and applicable to the subject matter of the appeal.

- (iii) The record in an appeal of a decision of the governing body or planning commission involving a subdivision, land development, or planned residential development shall include, but not be limited to a copy of the complete municipal zoning ordinance, zoning map, subdivision and land development ordinance, the application, transcripts, meeting minutes, plans, drawings, other materials submitted by the applicant, municipal staff and consultant review letters, county review letters, and the written decision or approval. The return of record shall include a certification from the zoning officer or other designated municipal officer that the return is the complete and accurate record and that the ordinances are those in effect and applicable to the subject matter of the appeal.
 - (iv) Any plans submitted with the return of record shall be no larger than 8 1/2" × 11". If any plans that are part of the record are larger than 8 1/2" × 11", the appellant shall within 10 days of filing the notice of appeal provide the municipality or municipal agency with electronic versions of the plans to be included in the return of record. Upon request of the Court, paper copies of plans greater than 8 1/2" × 11" shall be submitted to the Court.
 - (v) Upon the filing of the return of record, the municipality or municipal agency shall serve counsel for the appellant, appellant (where the appeal is filed *pro se*), and all persons granted party status at a public hearing held by the zoning hearing board or municipality with a copy of the list of documents and materials filed as part of the return of record.
 - (vi) An application for relief may be filed in the event of non-compliance with this rule for consideration by the Court, which may impose sanctions.
- d. Intervention. Other than the notice of intervention permitted by section 1004-A of the Pennsylvania Municipalities Planning Code, 53 P.S. § 11004-A, intervention shall be governed by the Pennsylvania Rules of Civil Procedure.
- e. Supplementation of the Record. A petition for supplementation of the record shall be filed no later than 30 days from the date of the filing of the return of record or for a party permitted to intervene, 30 days from the date of the order allowing intervention. The responding party shall file and serve its answer within 20 days of the date of mailing of the petition for supplementation of the record. Following the filing of the answer, the petition shall be addressed by the Court.
- f. Additional Evidence. A petition for additional evidence shall be filed no later than 60 days from the date of the filing of the notice of appeal or for a party permitted to intervene 30 days from the date of the order allowing intervention. The responding party shall file and serve its answer within 20 days of the date of mailing of the petition. Following the filing of the answer, the petition shall be addressed by the Court.

- g. Petition for Bond. A petition for bond shall be filed no later than 60 days from the filing of the notice of appeal. The responding party shall file its answer within 20 days of the date of mailing of the petition. Following the filing of the answer, the petition shall be addressed by the Court.
- h. Briefing and Argument. Subject to pending motions or petitions, on or after 90 days from the date of the filing of the notice of appeal, the Court shall issue a scheduling order for briefing and argument.
- i. Land Use Appeal Settlement Stipulation Verification. Any Settlement of a Land Use Appeal shall include a Land Use Appeal Settlement Stipulation Verification.

[See Form Below]

LAND USE APPEAL
SETTLEMENT STIPULATION VERIFICATION

We, the undersigned, are competent and authorized to execute this Verification, as required by Local Rule of Civil Procedure 14 (i), verifying the following:

1. The attached settlement stipulation involves a justiciable land use appeal, which (a) arises from a properly advertised public meeting or hearing where a record certified in accordance with Local Rule of Civil Procedure 14 (c) (iii) was made before the associated municipal agency, and the public and potential objectors had an opportunity to participate in accord with the Pennsylvania Municipalities Planning Code and Sunshine Law, as amended respectively; and as such (b) confers jurisdiction on this Court in accord with the Pennsylvania Municipalities Planning Code or other lawful land use action such as mandamus;
2. The attached settlement stipulation does not involve any property that was not part of the underlying application or action before the associated municipal agency;
3. The attached settlement stipulation does not approve or grant relief from any ordinance regulation not properly before the associated municipal agency as part of the underlying application or action;
4. The attached settlement stipulation does not provide for this Court's continuing jurisdiction and expressly states that upon this Court's approval of the settlement stipulation, any and all underlying appeals shall be immediately marked "settled, discontinued and ended" by the Prothonotary; and
5. The attached settlement stipulation does not arise from a matter commenced by and immediately following the filing of a writ of summons praecipe under Pa.R.C.P. 1007(1), where no complaint is filed of record expressly identifying the underlying action as one involving a justiciable land use appeal.

In making this Verification, we the undersigned, understand that (1) any settlement stipulation lacking the above settlement criteria shall render the settlement null and void in its entirety, upon the proper motion and determination by this Court; and (2) any falsifications herein are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

DATE: _____

Signed by Parties or
Counsel Authorized by Parties