

RULE 27. Land Use Appeals

A. Appeal Notice

A land use appeal shall contain:

1. A caption in substantially the following form:

Name of Appellant

v.

NO. CI-_____

Name of municipality and name
of body (i.e. zoning hearing
board, governing body or
or planning commission) which
rendered decision

LAND USE APPEAL

2. When applicable, in separately numbered paragraphs and in the following order:

- a. Name and address of the appellant.

- b. Name and address of the zoning hearing board, governing body or planning commission ("local agency") which rendered the decision.

- c. Name and address of the applicant to the local agency, if the applicant is not the appellant.

- d. Name and address of the owners, both real and equitable, of any real estate which was the subject of the decision and identification of the real estate.

- e. The chronology of the matter, including the following as applicable:

- i. Date of filing application or appeal with zoning officer or other official.

- ii. Date of action of the zoning officer or other official.

- iii. Date of appeal from action of zoning officer or other official to local agency or date of filing application with local agency.

- iv. Dates of all hearings or meetings of the local agency.
- v. Date of written decision or, if applicable, date of deemed decision from which the appeal has been taken.
- vi. Date written decision served.
- f. The purpose for which the application was made.
- g. The basis for appellant's standing to file the appeal.
- h. All specific legal and factual grounds for the appeal.
- i. Specific request for relief.

3. If a court reporter was present and if a transcript is not already in existence, appellant's certification that appellant has ordered a transcript of the proceedings and has made satisfactory arrangements with the court reporter for payment. Upon receipt of the transcript, appellant shall provide the original transcript to the solicitor of the local agency filing the return of the record. If appellant does not include a certification that appellant has ordered the transcript, any other party may file a petition requesting the Court dismiss the appeal.

B. Intervention

1. A notice of intervention under Section 1004-A of the Pennsylvania Municipalities Planning Code, 53 P.S. §11004-A, shall contain:

- a. The caption and number of the appeal.
- b. Name and address of intervenor.
- c. Nature of the interest of intervenor in the appeal.
- d. Legal and factual circumstances under which intervenor claims a right to intervene.
- e. Summary of intervenor's position and grounds therefor.

2. Pa. R.C.P. Nos. 2326-2350 shall govern all other intervention.

C. Certiorari

1. The local agency shall submit its entire record within twenty days after receipt of the writ of certiorari or receipt of the transcript(s), whichever is later, including but not limited to:

a. All original papers filed in chronological order, commencing with the application.

b. Minutes of meetings of the local agency at which the application was considered.

c. The transcript of all hearings. The local agency shall not submit its record to the Prothonotary until appellant has provided the transcript of all hearings if the transcript is not in existence and available to the local agency prior to appellant's filing the appeal.

d. The complete ordinance under which the local agency rendered its decision, including maps.

e. The findings of fact and conclusions of law of the local agency, if any, and its written decision.

f. Names and addresses of all persons the local agency recognized as parties to the proceedings.

2. The chairperson or presiding officer shall certify the submission of the record.

3. The Prothonotary shall give notice of the return of the local agency's record to appellant who shall, within four days after receipt of the notice, notify the local agency, the applicant before the local agency (if appellant was not the applicant), the legal and equitable owner of the land which was the subject of the application and all other persons recognized as parties to the local agency's proceedings. Appellant shall file proof of service.

D. Disposition

1. Within ten days after the Prothonotary gives notice of the filing of the complete return of the record, any party who believes the appeal is not ready for disposition may file a motion for a conference and a praecipe requesting that the appeal be forwarded to the assigned judge. The motion for a conference shall state why the party believes that the appeal is not ready for disposition and shall identify all actions that the party requests. At the conference, the Court may, inter alia:

a. Require or approve supplementation of the record.

b. Fix a time for a de novo hearing before the Court.

c. Employ expert(s) to aid the Court to frame an appropriate

order.

d. Refer the appeal to a referee to receive additional evidence, with directions as to time deadlines and other matters the Court deems appropriate.

e. If allowed by law, remand the appeal to the local agency with directions as to time deadlines and other matters, including mediation.

2. After the conference, the Court shall issue an appropriate order addressing the filing of briefs.

3. If no party has filed a request for a conference, the appellant shall file a brief within forty days after the date the Prothonotary gives notice of the filing of the local agency's complete record. The appellant shall limit the brief to the issues appellant raised in the land use appeal. Each other party shall file a responsive brief within thirty days after service of appellant's brief. The appellant may file a reply brief within ten days after service of the responsive brief. Any party may thereafter file and serve a praecipe stating that the appeal is ready for disposition and requesting the Prothonotary to forward it to the assigned judge.

4. If appellant fails to file a brief within the time period established by Paragraph D.3 above or by the Court after a conference, any party may file and serve a praecipe stating that the appeal is ready for disposition together with a brief or may petition the Court for dismissal of the appeal. If a party files a praecipe requesting disposition due to the failure of the appellant to file a brief, the Court shall render a decision, without oral argument, on the record before it.

5. Any party may request oral argument when filing its brief. The Court shall hear oral argument at its discretion.

6. An appeal from a decision the local agency renders after a remand shall be filed and docketed to the original caption and number. The party filing such appeal shall be limited to issues arising from the remand. All other requirements of this Rule shall apply to an appeal from a decision after remand.