

# **Bond Case Briefs**

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## **ZONING & PLANNING - PENNSYLVANIA**

### **Circleville Road Partners, L.P. v. Township of Ferguson**

**Commonwealth Court of Pennsylvania - May 15, 2019 - A.3d - 2019 WL 2111827**

Landowner sought review of decision by township planning commission changing zoning ordinance.

The Common Pleas Court issued order in favor of commission, and landowner appealed.

The Commonwealth Court held that:

- Zoning ordinance change which permitted use “by one family or up to four unrelated persons” did not change definition of family;
- Permitted use “by one family or up to four unrelated persons” was in keeping with purpose of traditional town development (TTD) mixed use zoning district;
- Changes permitting drive-through services, did not create new land use category;
- New standards for board of supervisors to grant modifications from design elements did not constitute map change;
- Adjustments to existing design and dimension standards did not create new zoning scheme; and
- Changes were not so comprehensive as to result in substantial change to single tract of land as compared to other similarly situated properties in district.