Fresh Coast Planning
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MEMORANDUM

To: Tallmadge Charter Township Planning Commission
From: Gregory L. Ransford, MPA
Date: November 16, 2026
Re: Proposed Definition of Lot Area – Attorney Comments

Pursuant to your October 27, 2026, meeting, you directed us to inquire further with the Township Legal Counsel regarding additional provisions of the Tallmadge Charter Township Zoning Ordinance that would need revision to accomplish the proposed draft to the definition of Lot Area. During our conversation, it became apparent it would be a complicated endeavor so we emphasized to Counsel that the Planning Commission would appreciate his candidness, if he opposes the proposed revision. In response, the Township Legal Counsel provided the following:

> I oppose the idea of including the right of way for private roads in the defined lot area, but not including it for public roads. It would make the zoning ordinance cumbersome, with different regulations for lots on private roads as opposed to public roads.
>
> It would be confusing to developers, because I don't know of many or maybe even any other local units that make this distinction. It would be poor planning, because plats with public roads would not look like site condominiums with private roads.
>
> It would be suspect legally; a developer could argue that the distinction would be a deprivation of equal protection of law (one developer would receive less favorable treatment to another developer, depending on the type of roads in the development, without a rationale explanation of the distinction).
>
> Finally, the distinction simply doesn't make sense. A public road that serves x number of lots should be treated the same as a private road that serves x number of lots; both roads are intended to do the same thing (provide access) in the same manner (safely). Why treat the two types of roads differently from a zoning/land use perspective? True, the two types of roads have to be maintained by different parties, because public money cannot be spent on private roads. But the roads themselves should be held to the same construction standards and land use standards.

This matter has been scheduled for your November 24, 2026, meeting. If you have any questions, please let us know.

GLR
Planner

cc: Mark Bennett, Supervisor