



“Using common law ordinances and general regulations is much better than drawing arbitrary lines through zoning codes.”

Zoning is not the only tool local governments have

More effective, less-restrictive options are open to them

By Jarrett Skorup | December 2025

For most of American history, the United States – and Michigan – had no zoning at all. Detroit, Grand Rapids, Ann Arbor, and other major cities grew rapidly before municipal zoning codes existed. The most stringent forms of zoning were created only during the past few decades.

In many minds, zoning is meant to separate heavy industry from homes. But it has expanded in scope far beyond that. Local boards began micromanaging the kinds of houses people could build, where businesses could locate, how dense settlements could be, and even what buildings could look like. Many people assume zoning is essential to “lay out” a town. But historically it’s the opposite: Towns develop first, and local officials impose zoning later.

It’s not clear that zoning makes cities better planned. Detroit adopted its first (very light) zoning ordinance in 1940. That was long after it had become one of the

nation’s largest and most economically dynamic cities. Most communities take shape through natural forces: Businesses locate where customers are, builders put up single- or multi-family homes where people want to live, and industry locates where the infrastructure and available land make sense. Few people could walk through towns in northern Michigan and identify which are unzoned and which have thick zoning codes. The difference tends to show up mostly in cost, not appearance.

Banks Township in Antrim County is now debating what to do with its zoning code. Some places in Michigan have no zoning, while others have zoning at the township, city, or county level. Banks Township is considering scrapping its zoning code, which has stirred strong opinions.

Supporters of zoning say they fear a gravel pit without it. Or they believe zoning protects the environment,

controls traffic, reduces congestion and does other good things. But if those are the concerns, zoning is often the wrong tool. Michigan already has extensive state and federal environmental laws and regulations.

Further, there are better, less restrictive, ways government can manage their towns without zoning. They can regulate nuisances by passing (or enforcing) standards for water, air and light pollution. Some local governments, even those with minimal zoning laws, have rules that establish barriers between, say, a strip club and a school. Local governments can also adopt police-power ordinances, which regulate activities that affect public health, safety, and welfare, such as noise, dust, hours of operation, open burning, traffic, parking and waste disposal.

Using common law ordinances and general regulations is much better than drawing arbitrary lines through zoning codes. Zoning regulates land use categories. They dictate where homes, businesses, or industrial buildings can go, as well as minimum lot sizes, building setbacks, parking minimums and density. Police-power ordinances regulate the impacts of activities, not whether a parcel must be single-family or whether someone can add a deck.

“No zoning,” then, does not mean “no rules.” A township without zoning does not dictate whether a lot can hold a single-family home or an apartment.

But it can still enforce building safety codes, environmental protections, nuisance rules and activity-based restrictions. Municipalities that lack zoning still retain the core tools they need to protect residents. They just do it without dictating in detail what can be built where.

Reevaluating zoning is a great idea for local governments. The rise of these codes has not solved the problems many proponents say they are focused on. And it has made other problems, including affordability, flexibility and property rights, worse. That’s why recent years have seen major rollbacks in zoning regulations in Minneapolis; Alexandria, Virginia; Sacramento; Austin and elsewhere.

If lawmakers and regulators want to solve real problems, they should use the least-restrictive government policy option and not fall back on “what we’ve always done.” This does a better job of protecting property rights and community well-being.

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