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Background Memorandum

Model Municipal Zoning Ordinance on Community Composting

I. INTRODUCTION

The Model Municipal Zoning Ordinance on Community Composting ("Model") is a template ordinance that can be adapted and enacted by a municipality to establish community composting as a permissible land use.[1] For purposes of the Model, "community composting" refers to composting at a smaller scale than industrial, sourcing organic material locally, generally engaging the community in the composting process, and using most or all of the produced compost on local soils. It does not, in this Model, include on-farm composting (except for community composting facilities at urban farms and community gardens). While all types and scales of composting are beneficial, the comparatively small size and local focus of community composting offer additional community benefits.

NRDC (Natural Resources Defense Council) and the Environmental Law Institute (ELI) developed the Model as a resource for local officials, municipal staff, and stakeholders (including community members and community-based organizations) seeking to encourage organics recycling. The Model is part of a broader, ongoing effort to provide municipalities and advocates with tools to lessen the time and resources associated with taking action to reduce food waste. The Model is informed by, and builds upon, the U.S. Composting Council's 2022 model zoning ordinance for various scales and types of composting facilities.[2]

II. HOW TO USE THIS MODEL

The "off-the-shelf" version of the Model (without commentaries) is intended to provide clean, streamlined language that can be easily enacted by a municipality.

The "with commentaries" version of the Model includes commentaries that offer additional context and background, explain the benefits of key provisions and alternative approaches, and provide links to examples. The commentaries can guide a municipality in tailoring the Model to its specific circumstances.

The Model, together with this background memorandum and the accompanying slide presentation, is intended to help mitigate the substantial transaction costs associated with researching, drafting, and enacting new composting measures, which often prevent resource-strapped municipalities from taking steps to advance food waste reduction.

III. BACKGROUND ON FOOD WASTE AND COMMUNITY COMPOSTING

FOOD WASTE OVERVIEW

Each year, up to 40 percent of all food in the United States goes uneaten, at enormous financial, environmental, and social cost.[3] Annually, the food wasted across the supply chain equates to nearly 2 percent of U.S. GDP and is responsible for 6 percent of all U.S. greenhouse gas (GHG) emissions.[4] What's more, when food is wasted, all of the resources used to grow, harvest, transport, store, and prepare it are wasted as well; in fact, wasted food accounts for 22 percent of all freshwater use and 16 percent of all cropland use in the United States.[5]

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Composting is one of several critical strategies to reduce the negative impacts of wasted food and recycle many of those resources, thus helping municipalities meet their climate and waste reduction goals while achieving various other co-benefits. The U.S. Environmental Protection Agency's Wasted Food Scale graphically illustrates the priority pathways for prevention and diversion of food waste.[6] Although the most preferred strategies are to avoid wasting food in the first instance or to redistribute or repurpose surplus food, composting also plays a crucial role in the sustainable management of food waste. Situated in the middle of the scale, composting serves as an important complement to other strategies and is especially useful for inedible food scraps such as banana peels, corncobs, and coffee grounds.[7]

COMPOSTING OVERVIEW

Composting is the process of recycling organic matter, such as yard trimmings and food scraps, into a valuable soil amendment that can enrich soil and improve plant growth. By providing an ideal environment for bacteria, fungi, and other organisms essential to the process, composting speeds up the natural decomposition of organic matter.[8]

Composting activities occur across a spectrum of sites and operational scales, from backyard composting to community composting to large-scale industrial facilities.[9] Community composting refers to composting in a way that sources organic material locally, generally engages the community in the composting process, and directs most or all of the finished compost to local soils. As the term is used here, it is more limited in size than industrial composting and does not include on-farm composting (except for urban farms and community gardens).

BENEFITS OF COMPOSTING AND COMPOST USE

Composting and compost use offer myriad environmental, economic, and social benefits. Composting diverts organic waste from landfills and incinerators, thereby reducing GHG emissions—particularly methane, which has 80 times more planet-warming potential than carbon dioxide in the first 20 years after it is emitted.[10] Significant amounts of methane are produced when organic waste breaks down *anaerobically* (without oxygen) in landfills; composting, on the other hand, is an *aerobic* (with oxygen) process that minimizes methane production.[11] Composting instead of landfilling or incinerating can also reduce disposal costs and, ultimately, the need for expansion or construction of new landfills and incinerators.[12] As such, composting can lessen the harmful public health impacts of these disposal facilities, which are disproportionately sited in environmental justice communities.[13] The composting industry also sustains more jobs than landfilling or incineration on a per-ton basis.[14]

Applying finished compost can decrease the need for chemical fertilizers and pesticides, which are costly, are energy intensive to produce, and contribute to water pollution.[15] Further, compost helps soil retain moisture, which in turn helps prevent erosion, reduce stormwater runoff, lower irrigation costs, and conserve water resources.[16] Compost application also boosts the capacity of soil to hold nutrients and sequester carbon.[17]

BENEFITS OF COMMUNITY COMPOSTING

Community composting facilities are designed to meet local needs, serve local interests, and engage the community in a variety of ways. These may include providing job training and local jobs, education on food systems and sustainability, local green space for community members to enjoy, and a low-cost soil amendment for community members to use to improve soil health.[18] By keeping the process and the finished product local, community composters keep the many benefits of composting local as well.[19]

Community composting can also be particularly efficient in terms of conserving time, money, energy, and other resources. Operations can be set up fairly quickly, in part because they are relatively inexpensive and low tech.[20] Community composters usually do not have to haul feedstocks or finished compost across long distances, use heavy-duty vehicles, or stockpile organic matter at transfer stations, thus keeping transportation-related costs and emissions to a minimum.[21] Community composters typically process a relatively narrow array and small quantity of material, thus simplifying quality control.[22] Finally, community composters use or distribute compost locally, which not only keeps the benefits of compost use local but keeps distribution costs comparatively low as well.[23]

Community composting also can be a powerful tool to promote equity.[24] Community composting facilities in environmental justice communities can provide the social, economic, and environmental benefits noted above. For example, jobs and job training offered at these sites can empower members of the community, especially youth.[25] Finished compost can be used for soil remediation and water quality improvements, particularly in environmental justice communities, where higher concentrations of pollutants are more likely, and can be provided to urban farms and local organizations that promote food security and food sovereignty.[26] Community composting can also fill service access gaps in communities where there are no municipally provided organics recycling opportunities.[27] Finally, community composters can adopt a cooperative ownership structure, which allows decision-making to be decentralized and participatory.[28]

Although the focus of the Model is on community composting as a permissible land use, the Model is intended to promote community composting in addition to, rather than at the expense of, other types and scales of composting. From small backyard bins to large industrial facilities to on-farm operations, all types of composting can offer valuable economic, social, and environmental benefits; contribute to a more diversified and resilient organics recycling infrastructure; and play an important role in promoting healthy communities, economies, and environments.[29]

IV. GOVERNANCE FRAMEWORK

The Model is presented as an ordinance to be passed by a city council (or other appropriate legislative body) as an amendment to the municipal zoning code. Thus, as a threshold matter, this Model applies only where the municipality possesses legal authority to pass zoning ordinances and regulate local zoning. It may also be used by counties and other forms of local government that possess zoning authority.

The Model can be modified as needed to accommodate local circumstances and drafting norms. In tailoring the Model, a municipality should carefully consider the broader legal and policy context with respect to land use and zoning, including any existing regulation of composting, urban agriculture, and community gardens at the state or local level.

LEGAL AND POLICY CONTEXT

Some adjustment of the Model may be necessary to ensure a proper fit for the ordinance within a municipality's legal and policy framework. Although the Model addresses only how community composting land use is to be zoned, it is important to be aware of any existing regulation of composting and waste management at the state or local level. Two key considerations are the application of relevant state law and the alignment of the Model with any related municipal laws, policies, plans, and programs.

Application of state law. In some instances, state laws and regulations governing or otherwise affecting composting—especially those related to solid waste management, environment, and sustainability—may apply to community composting. In particular, although community composting occupies a smaller operational area and processes substantially less organic material than an industrial composting facility, and thus may not be subject to state requirements applicable to municipal solid waste and large-scale composting facilities, state laws vary with respect to the thresholds and criteria that trigger regulatory requirements. This is a jurisdiction-specific determination. Where state law does apply to a community composting facility, the law may address siting requirements and other restrictions that bear on local land, including zoning considerations.[30] Accordingly, a municipality should carefully consider the application of state law to avoid the risk of imposing duplicative or conflicting requirements for applicants.

Aligning with existing municipal laws, policies, plans, and programs. Existing municipal law may already govern urban agriculture, community gardens, or aspects of composting at small sizes (including backyard) or larger sizes.[31] A zoning ordinance amendment should align with any existing requirements and legal definitions.[32] This may involve modification of the Model, amendment to existing law (potentially including updates to legal definitions), or both.

Similarly, the subject matter covered by the Model can implicate a range of related municipal policies, plans, and programs.[33] A municipality is well served to harmonize the Model with any such existing commitments.

EUCLIDEAN ZONING AND ITS EVOLUTION

The Model is based on the most commonly used approach to municipal zoning, known as Euclidean zoning.

Zoning authority is typically delegated by the states to municipalities, which in turn adopt zoning ordinances to separate incompatible land uses from one another—usually by establishing zoning districts such as residential, commercial, industrial, and agricultural.[34] This approach to zoning has stood for more than a century and takes its name from a Supreme Court case, *Euclid v. Ambler Realty Co.*, which upheld it as a valid and lawful exercise of governmental power.[35] Euclidean zoning primarily regulates *use* (which rests upon a "hierarchy of intensity" favoring single-family residential zones) and *bulk* (which involves considerations of building height, lot size, property line setbacks, and the like).[36]

Although Euclidean zoning is the dominant approach to zoning in the United States, municipal approaches have evolved and become more complex. In the 1990s, the "New Urbanism" movement promoted walkable, mixed-use neighborhoods that combine modern amenities with "traditional community principles."[37] Such development is now widely accepted as desirable among planning professionals.[38] In addition, some jurisdictions have adopted form-based codes, or at least elements of form-based codes, that focus primarily on buildings' shape and appearance instead of use. While innovative policies like these are increasingly common and have loosened traditional Euclidean rigidity, use-based zoning remains the default in most places.[39] Accordingly, the Model focuses on four basic categories of zoning district that will be familiar in most municipalities—residential, commercial, industrial, and agricultural—and also adds the increasingly common mixed-use category.

ALTERNATIVE OR COMPLEMENTARY ZONING TOOLS

The approach taken in the Model (outlined in more detail below) reflects an effort to deploy widely used, well-understood zoning tools to help a municipality establish community composting as a permissible land use under the municipal zoning code—while addressing neighbor and community concerns about potential pests and odors. Still, there may be ways to zone for community composting other than those contemplated by the U.S. Composting Council model or this Model. One such traditional, if limited, approach is to employ use variances. Another is to look to more modern, and often more creative, zoning tools such as floating zones or overlay zones.[40]

Nonbinding municipal policies and programs also influence a municipality's approach to zoning and land use and can provide meaningful opportunities to promote community composting. In particular, including community composting in planning (e.g., in comprehensive land use plans, solid waste master plans, climate action plans, and small area plans) can help secure its place in official visions for the municipality's future.[41]

OVERVIEW OF THE MODEL ZONING ORDINANCE

The Model Municipal Zoning Ordinance on Community Composting contains 11 sections, as summarized below.

Findings, Purpose, & Declaration of policy (§§1–3). The findings (§1) recognize a range of benefits associated with composting in general and community composting in particular. They further recognize that a failure to identify community composting in the municipal zoning code as a permissible land use can be a barrier to the establishment of community composting facilities. The purpose of the Model (§2) is to amend the municipal zoning code to provide for this land use, thereby promoting at the community level the many benefits of composting and diverting locally generated organic materials from landfills and incinerators. The declared municipal policy (§3) is that community composting is a permissible land use that may lawfully be located in a district zoned residential, commercial, industrial, agricultural, or mixed-use.

Definitions (§4). The Model defines "community composting" on the basis of several key characteristics, but given the wide variation in community composting approaches from one locality to the next, the definition is left intentionally flexible and largely nonprescriptive. The Model then defines a "community composting facility" simply as "the premises or portion thereof, together with any structures thereon, used for community composting."

Other key terms such as "compost," "composting," and "organic material" (i.e., feedstock) are also defined. "Backyard composting," a very small form of composting, is defined for purposes of differentiating it from community composting. Some of these terms may already be defined elsewhere in the municipal code or in state law, in which case the municipality is well served to align such definitions.

Application of other laws (§5). The scope of the ordinance is limited to zoning for community composting under municipal law. Compliance with the ordinance does not relieve the owner or operator from complying with any other applicable municipal, state, or federal law that governs these facilities, including the potential need to obtain permits under such laws. These other forms of regulation may be in the areas of, for instance, public health (including vector and vermin control), the environment (including stormwater management), the handling and disposal of solid waste, and hauling. This provision makes explicit that community composting is subject to the law of nuisance.

Prohibitions (§6). This section prohibits the receipt, handling, and storage of certain materials—including toxics, hazardous waste, biosolids, and nonorganic feedstock (other than normal levels of feedstock contaminants)—for purposes of community composting.

Zoning for community composting (§§7–9). These sections are the heart of the Model and govern the zoning of community composting as a land use across five zoning district categories (§7): commercial and industrial (by right, primary use); agricultural (by right, accessory use), though this does *not* include on-farm composting; and residential and mixed use (conditional use). Additionally, community composting is permissible as an accessory use to permitted urban agriculture and community garden uses. Specific standards for a conditional use permit are included (§8), as is a simple requirement to comply with the rules of the relevant zoning district with respect to area, setback, and bulk (§9).

Exception for backyard composting (§10). This section excludes backyard composting from coverage under the ordinance.

Policy to be incorporated into comprehensive plan (§11). Where applicable, this section directs the municipal planning department, at the next scheduled review of the municipal comprehensive plan, to include a policy that affirms community composting as a permissible land use.

V. EQUITABLE IMPLEMENTATION

As noted above, community composting can be a powerful tool to promote equity and address environmental injustices. At the same time, any law that addresses zoning or waste-related facility siting must be sensitive to the reality that policies related to zoning and waste facility siting have often perpetuated injustices such as racism and classism throughout the United States.[42] Equitable implementation can be fostered by, for example, ensuring that the zoning approval process is not prohibitively burdensome (e.g., by removing or reducing application fees, streamlining paperwork requirements, and avoiding overly complicated or legalistic language in zoning regulations and application materials); consulting community members both before and after adoption so that the resulting zoning code amendment meets local needs, with particular attention to engaging individuals and community-based organizations from environmental justice communities; conducting outreach to community members to explain zoning changes and to clarify the circumstances and locations in which community composting is allowed; and equitably enforcing requirements across all neighborhoods and community composting facilities.[43]

VI. METHODOLOGY

Policy and literature review. ELI reviewed relevant legal and academic research, state laws, municipal ordinances, and nonbinding policy resources (such as plans, reports, and program descriptions) to glean best practices and language that could analogously or directly apply to a community composting zoning ordinance. ELI's review does not purport to be exhaustive, particularly as municipal approaches to zoning continue to evolve and a variety of policies to reduce food waste are being rapidly introduced around the country. Nevertheless, the laws and ordinances used to inform the Model come from a diverse array of jurisdictions ranging broadly in size, geographic location, and political dynamics.

Qualitative interviews. In interviews with ELI, legal experts and community composters provided general background information, yielded insights into efficient and effective approaches to advancing community composting through zoning, and helped assess the relative merits of existing policies, programs, and resources.

Best practices identification. On the basis of its review of existing laws and policies, its literature review, and interviews, ELI identified, in consultation with NRDC, the best practices that would inform the Model's language. The version of the Model with commentaries provides alternative approaches to key provisions that may better suit a given municipality while maintaining the integrity of the Model.

Model language and commentaries. ELI drafted model language and accompanying commentaries on the basis of its research and identification of best practices as well as a review of language from analogous ordinances.

Expert review. Several experts in food waste reduction, community composting, land use planning and zoning, and municipal government operations reviewed and provided feedback on the model language, commentaries, and previous sections of this memorandum. In some cases, changes were made to reflect this expert input.

ENDNOTES

1 Darby Hoover et al., "Model Municipal Zoning Ordinance on Community Composting, With Commentaries," June 2024, https://www.nrdc.org/sites/default/files/2024-05/model-municipal-zoning-ordinance-community-composting-commentaries.pdf.

2 **As noted, this Model takes as its starting point the model zoning template and guidelines published by the U.S. Composting Council.** U.S. Composting Council (hereinafter USCC), "Model Zoning Text Amendment for Composting Facilities," 1st ed. 2022, https://www.compostingcouncil.org/page/ZoningTemplateDownload; USCC, "Compost Zoning Guidelines," 2022, https://www.compostingcouncil.org/page/ZoningGuidelinesDownload.

3 Dana Gunders and Jonathan Bloom, *Wasted: How America Is Losing Up to 40 Percent of Its Food From Farm to Fork to Landfill*, NRDC, August 2017, https://www.nrdc.org/resources/wasted-how-america-losing-40-percent-its-foodfarm-fork-landfill.

4 ReFED, "In the U.S., 38% of All Food Goes Unsold Or Uneaten–and Most of That Goes to Waste," accessed January 10, 2024, https://refed.org/food-waste/the-problem/.

5 Ibid.

6 U.S. Environmental Protection Agency (hereinafter EPA), "Wasted Food Scale," last updated February 13, 2024, https://www.epa.gov/sustainable-management-food/wasted-food-scale.

7 Ibid.

8 Shelia Hu, "Composting 101," NRDC, July 20, 2020, https://www.nrdc.org/stories/composting-101.

9 Ibid.

10 Brian Palmer, "Natural Gas 101," NRDC, November 15, 2021, https://www.nrdc.org/stories/natural-gas-101#problems. See also Shannon Kenny et al., *From Field to Bin: The Environmental Impacts of U.S. Food Waste*, EPA, October 2023, https://www.epa.gov/land-research/field-bin-environmental-impacts-us-food-waste-management-pathways; Max Krause et al., *Quantifying Methane Emissions From Landfilled Food Waste*, EPA, October 2023, https://www.epa.gov/land-research/quantifying-methane-emissions-landfilled-food-waste (noting that wasted food, which represents 24 percent of landfilled waste on average, is responsible for 58 percent of landfills' fugitive methane emissions). See also EPA, "Importance of Methane," last updated November 1, 2023, https://www.epa.gov/gmi/importance-methane.

11 Krause et al., *Quantifying Methane Emissions*.

12 EPA, "Composting," last updated December 15, 2023, https://www.epa.gov/sustainable-management-food/composting.

13 Ana Isabel Baptista et al., *U.S. Municipal Solid Waste Incinerators: An Industry in Decline*, Tishman Environment and Design Center, May 2019, https://www.tishmancenter.org/s/CR_GaiaReportFinal_0521.pdf; Robert D. Bullard et al., *Toxic Wastes and Race at Twenty, 1987–2007*, United Church of Christ Justice & Witness Ministries, March 2007, https://www.ucc.org/wp-content/uploads/2021/03/toxic-wastes-and-race-at-twenty-1987-2007.pdf; Linda Villarosa, "Pollution Is Killing Black Americans. This Community Fought Back," *New York Times Magazine*, July 28, 2020, https://www.nytimes.com/2020/07/28/magazine/pollution-philadelphia-black-americans.html. For more on the term "environmental justice communities," see, e.g., California Environmental Justice Alliance, "Defining Environmental Justice Communities: Using CalEnviroScreen in State Policy," accessed May 13, 2024, https://caleja.org/2016/09/defining-environmental-justice-communities-using-calenviroscreen-in-state-policy/; Connecticut Department of Energy and Environmental Protection, "What Is an Environmental Justice Community?" accessed May 13, 2024, https://portal.ct.gov/deep/environmental-justice/05-learn-more-about-environmental-justice-communities/.

14 Brenda Platt et al., *State of Composting in the US: What, Why, Where, and How*, Institute for Local Self-Reliance (hereinafter ILSR), July 2014, https://ilsr.org/wp-content/uploads/2014/07/state-of-composting-in-us.pdf; Brenda Platt, "Composting Makes ene: Jobs Through Composting & Compost Use," ILSR, May 8, 2013, https://ilsr.org/composting-sense-tables/. **Note: ILSR is a leading expert on community composting; the institute's work informed this Model and background memorandum and is frequently cited throughout both documents.**

15 ILSR, "Benefits of Composting," March 28, 2010, https://ilsr.org/benefits-of-composting/; USCC, "Benefits of Compost," accessed February 21, 2024, https://www.compostingcouncil.org/page/CompostBenefits; EPA, "Nonpoint Source: Agriculture," last updated December 20, 2023, https://www.epa.gov/nps/nonpoint-source-agriculture.

16 USCC, "Benefits of Compost."

17 Ibid.; Baltimore Office of Sustainability, "Baltimore Food Waste & Recovery Strategy," 2018, https://www.baltimoresustainability.org/wp-content/uploads/2018/09/BaltimoreFoodWasteRecoveryStrategy_Sept2018_FINAL.pdf.

18 EPA, "Community Composting," last updated December 12, 2023, https://www.epa.gov/sustainable-management-food/community-composting; ILSR, "What Is Community Composting?" accessed February 21, 2024, https://ilsr.org/composting/what-is-community-composting/.

19 For more information on scales of composting and the benefits of small, decentralized facilities, see Brenda Platt, "Hierarchy to Reduce Food Waste and Grow Community," ILSR, April 4, 2017, https://ilsr.org/food-waste-hierarchy/.

20 Julia Spector and Najee Quashie, "Advocacy Resource: Priority Climate Action Plans Need Community Composting," ILSR, December 5, 2023, https://ilsr.org/pcap/.

21 Sustainable Economies Law Center, *Draft Policy Guide: Growing Compost: A Policy Guide to Preserving Critical Community Composting in California*, January 22, 2017, https://d3n8a8pro7vhmx.cloudfront.net/theselc/pages/927/attachments/original/1485108714/Growing_Compost_Report_smaller.pdf?1485108714; Spector and Quashie, "Advocacy Resource: Priority Climate Action Plans."

22 Sustainable Economies Law Center, *Draft Policy Guide: Growing Compost*.

23 Ibid.

24 The Baltimore Compost Collective provides a powerful example of community composting to promote environmental justice. See, e.g., Baltimore Compost Collective, "Home," accessed February 21, 2024, https://baltimorecompostcollective.org/; Aman Azhar, "Marvin Hayes Is Spreading 'Compost Fever' in Baltimore's Neighborhoods. He Thinks It Might Save the City," *Inside Climate News*, August 20, 2023, https://insideclimatenews.org/news/20082023/baltimore-composting-environmental-justice/.

25 See, e.g., Baltimore Compost Collective, "Home" (noting that the collective "is also a youth entrepreneurship program that employs local teenagers and trains them in workforce skills, food access programming and community-scale composting").

26 CalRecycle, "Bioremediation," accessed February 21, 2024, https://calrecycle.ca.gov/organics/compostmulch/toolbox/bioremediation/; Brenda Platt, Bobby Bell, and Cameron Harsh, "Pay Dirt: Composting in Maryland to Reduce Waste, Create Jobs, & Protect the Bay," ILSR, May 2013, https://ilsr.org/wp-content/uploads/2013/05/ILSR-Pay-Dirt-Report-05-11-13.pdf; Michael Gochfeld and Joanna Burger, "Disproportionate Exposures in Environmental Justice and Other Populations: The Importance of Outliers," *American Journal of Public Health* 101, suppl. 1 (December 2011): S53–63, https://doi.org/10.2105%2FAJPH.2011.300121; Sustainable Economies Law Center, *Draft Policy Guide: Growing Compost*.

27 EPA, "Community Composting."

28 ILSR, "Community Composters," accessed February 21, 2024, https://ilsr.org/composting/community-composters/.

29 For more information on the importance of diverse community composting infrastructure, see, e.g., Platt, "Hierarchy to Reduce Food Waste and Grow Community."

30 See, e.g., Idaho Department of Environmental Quality, Solid Waste Management Rule 58.01.06.012.01 (applicable requirements for Tier II facilities: general siting requirements); Arkansas Pollution Control and Ecology Commission, Reg. no. 22.803(a)(4)–(5) (location restrictions and siting requirements for composting facilities).

31 See, e.g., Altoona, WI, Mun. Code ch. 8.34 ("Composting" chapter intended, among other goals, "to establish powers, duties, rules, regulations, and standards for the location and operation of backyard and small compost sites at residential, commercial, institutional and public properties").

32 At a minimum, it is important to avoid adopting a zoning amendment that inadvertently conflicts with, or introduces ambiguity into, existing law.

33 This may be true in the areas of sustainability and the environment, climate change (including climate action plans), waste reduction (including waste management plans), public health, and food and nutrition, among others.

34 The states' approach to this delegation dates back to the 1922 State Zoning Enabling Act (SZEA), which the U.S. Department of Commerce promulgated as model legislation for states to adopt to authorize zoning by local governments. See Christopher Serkin, "A Case for Zoning," *Notre Dame Law Review* 96, no. 2 (December 2020): 749, 755, https://scholarship.law.nd.edu/ndlr/vol96/iss2/6. Most states quickly adopted the SZEA. Ibid., 758. The SZEA "provides the fundamental DNA for most zoning regulations in the country," a fact that highlights how the use of model legislation (such as the Model here) as a tool to support municipal land use planning is well established. Ibid.

35 272 U.S. 365 (1926).

36 Serkin, "A Case for Zoning," 759.

37 There are other, concurrent movements with similar objectives, including smart growth and transit-oriented development policies. Benjamin Schneider, "CityLab University: Zoning Codes," *Bloomberg*, August 6, 2019, https://www.bloomberg.com/news/articles/2019-08-06/how-to-understand-municipal-zoning-codes; Janna Blasingame Custer, "New Urbanism and Euclidian Zoning: Can They Co-Exist?" *University of Georgia Land Use Clinic* (Spring 2007): 2, https://digitalcommons.law.uga.edu/landuse/17.

38 See Serkin, "A Case for Zoning," 762–63; Daniel R. Mandelker, "Zoning for Mixed-Use Development," *Real Property, Trust and Estate Law Journal* 58 (Spring 2023): 3-4, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4510458.

39 Michael Allan Wolf, "Zoning Reformed," *University of Kansas Law Review* 70, no. 2 (2021): 171, 186, https://hdl.handle.net/1808/34001.

40 See, e.g., American Planning Association, "Property Topics and Concepts," accessed May 14, 2024, https://www.planning.org/divisions/planningandlaw/propertytopics.htm (discussing floating zones and overlay zones, among other tools, and characterizing them as "flexible zoning techniques"). See also, e.g., Wolf, "Zoning Reformed," 171, 186 ("Basics of zoning . . . fashioned . . . in the first three decades of the twentieth century . . . continue to form the foundation of zoning in localities throughout the U.S., even with an impressive array of post-Euclidean modifications, adaptations, and improvements such as overlays, transferable development rights, planned unit development, form-based codes, and so many more.").

41 See, e.g., City of Boulder and Boulder County, *Boulder Valley Comprehensive Plan*, 2021, 67, https://bouldercolorado.gov/projects/boulder-valley-comprehensive-plan (stating that "policies, programs and regulations will emphasize waste prevention, reuse, composting, recycling and the use of materials with recycled content"); Government of Nashville and Davidson County, *Solid Waste Master Plan: Achieving Zero Waste,* 2019, 1, https://filetransfer.nashville.gov/portals/0/sitecontent/pw/docs/recycle/MasterPlan/SWMP%20Complete.pdf (establishing that one of four plan "priorities" is to "increase recycling, food waste reduction and recovery, and composting programs throughout Davidson County").

42 See, e.g., Allison Shertzer, Tate Twinam, and Randall P. Walsh, "Zoning and Segregation in Urban Economic History," *Regional Science and Urban Economics* 94 (May 2022): 1, https://doi.org/10.1016/j.regsciurbeco.2021.103652 (observing that "demand for separation of racial groups influenced some of the earliest zoning ordinances in American cities" and that "racial dimensions are important when studying land use regulations, even when the policies in question are ostensibly race neutral"); Robert Bullard, "The Mountains of Houston: Environmental Justice and the Politics of Garbage," *Cite* 93, Rice Design Center, Winter 2014, https://drrobertbullard.com/wp-content/uploads/2014/07/Final-2014-Bullard-Cite-Article.pdf; Baptista et al,, *U.S. Municipal Solid Waste Incinerators*, 4, https://www.tishmancenter.org/projects-publications (noting that "79 percent of all MSW incinerators in the U.S. are located in environmental justice communities"); Nathaniel Meyersohn, "The Invisible Laws That Led to America's Housing Crisis," CNN, August 5, 2023, https://www.cnn.com/2023/08/05/business/single-family-zoning-laws/index.html (looking at the impact of exclusionary zoning and noting that "roughly 75% of land that is zoned for housing in American cities is for private, single-family homes, only").

43 For more information on these and other important equity considerations, see American Planning Association, *Equity in Zoning Policy Guide*, December 2022, https://www.planning.org/publications/document/9264386/. See also, e.g., WE ACT for Environmental Justice, "Sustainable and Equitable Land Use," accessed May 13, 2024, https://www.weact.org/whatwedo/areasofwork/landuse/.