



MODEL MUNICIPAL ZONING ORDINANCE ON COMMUNITY COMPOSTING*

* For a version with commentaries: *Model Municipal Zoning Ordinance on Community Composting, with Commentaries*.
For background information and supplemental resources: *Model Zoning Ordinance on Community Composting Background Memorandum*.

OUTLINE

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1.0 Findings

- 1.1 As much as 40 percent of the food supply in the United States goes uneaten, and more than two-thirds of this wasted food is sent to landfills and incinerators, where it typically represents the largest component of disposed waste.
- 1.2 The amount of food wasted in the United States is worth approximately \$428 billion per year. When food is wasted, water and other resources used to produce that food also are wasted.
- 1.3 Wasted food disposed of in landfills emits methane, a greenhouse gas that contributes to climate change and is far more potent, especially in the near term, than carbon dioxide. An estimated 58 percent of fugitive methane emissions from landfills is due to wasted food.
- 1.4 Composting diverts wasted food and other organic matter from landfills and incinerators. This in turn can:
 - 1.4.1 Reduce greenhouse gas emissions from landfilled and incinerated organic waste;
 - 1.4.2 Decrease the harmful public health and environmental impacts of landfills and incinerators;
 - 1.4.3 Lower municipal solid waste management costs associated with landfilling and incineration;

1.4.4 Reduce the need to expand existing landfills and build new landfills and incinerators, which are costly and disproportionately sited in environmental justice communities; and

1.4.5 Provide green jobs and job training.

- 1.5 Composting produces a valuable soil amendment that can be used to enrich soil and plants and provides other environmental and economic benefits, including sequestering carbon; preventing erosion; reducing stormwater runoff; and decreasing the need for chemical fertilizers, pesticides, and irrigation.
- 1.6 Community composting, with its community focus and relatively small size, can provide local environmental, economic, and social benefits to [MUNICIPALITY] and its community members, such as community engagement and education, local green job training and creation, and compost application to local soil.
- 1.7 Community composting can offer particular benefits to environmental justice communities, including by providing needed green spaces, filling gaps in municipal waste service offerings, and reducing contaminants in soil and groundwater through local compost application.
- 1.8 The [MUNICIPALITY] zoning code has not expressly provided for community composting as a permissible land use, and this may pose an unintended barrier to the establishment of community composting facilities.

2.0 Purpose

It is the intention of [CITY COUNCIL] to:

- 2.1 Amend the [MUNICIPALITY] zoning code to provide for community composting as a permissible land use;
- 2.2 Advance the many environmental, public health, equity, waste management cost, and job benefits of community composting;
- 2.3 Establish community composting as a land use distinct from industrial-scale composting and municipal solid waste management and disposal, due to its local character, limited size, and unique operational characteristics; and
- 2.4 Encourage the use of locally generated organic materials as a community resource that contributes to erosion control, drought protection, stormwater management, improved soil health, and carbon sequestration.

3.0 Declaration of policy

It is the policy of [MUNICIPALITY] that community composting is a permissible land use that may, consistent with this ordinance, be located in a district zoned residential, commercial, industrial, agricultural, or mixed-use.

4.0 Definitions

- 4.1 **Backyard composting, or home composting,** means composting where the organic material is processed on site in a residential setting and the compost is typically used at the same location.
- 4.2 **Community composting** means an approach to composting, using one or more basic configurations, that:
- 4.2.1 Sources organic material locally, distributes most or all of the compost locally or uses most or all of the compost on local soils, and typically engages the community in the composting process;
- 4.2.2 Occupies a smaller operational area and processes substantially less organic material than industrial-scale composting; and
- 4.2.3 Does not engage in on-farm composting (unless on an urban farm or in a community garden).
- Community composting may involve activities such as receiving, storing, or transferring feedstocks; generating and distributing compost; undertaking related hauling activities; or a combination thereof.
- 4.3 **Community composting facility** means the premises or portion thereof, together with any structures thereon, used for community composting.
- 4.4 **Compost** means the dark, crumbly, earthy-smelling, biologically stable soil amendment produced by composting.
- 4.5 **Composting** means the controlled, aerobic biological decomposition of organic material.
- 4.6 **Organic material, or feedstock,** means any compostable material used in the production of compost, including garden or landscaping waste and food scraps.

5.0 Application of other laws

- 5.1 Subject to **[STATE]** law governing municipal solid waste management and composting activities, this ordinance governs the zoning of community composting as a permissible land use in the zoning district categories specified in §7.0.
- 5.2 Satisfying zoning requirements for community composting does not relieve an operator or owner from:
 - 5.2.1 Complying with all applicable municipal, state, and federal laws and regulations relating to, without limitation, public health, the environment (including stormwater management), municipal solid waste management, and hauling;
 - 5.2.2 Obtaining any permits, licenses, or other permissions required pursuant to such other laws and regulations; or
 - 5.2.3 Operating in a manner so as to avoid creating a public or private nuisance.

6.0 Prohibitions

- 6.1 It is prohibited for a community composting facility to receive, handle, or store the following:
 - 6.1.1 Hazardous or toxic waste;
 - 6.1.2 Biosolids; or
 - 6.1.3 Any nonorganic material.
- 6.2 The prohibition contained in §6.1.3 does not apply to de minimis amounts of nonorganic material present as a contaminant in some feedstocks in the ordinary course of operations.

7.0 Community composting as a permissible land use

- 7.1 Primary use. Community composting constitutes a primary use:
 - 7.1.1 In a district zoned commercial; and
 - 7.1.2 In a district zoned industrial.
- 7.2 Accessory use. Community composting constitutes an accessory use:
 - 7.2.1 In a district zoned agricultural; and
 - 7.2.2 On a lot in any zoning district that supports an approved urban agriculture land use or community garden land use.
- 7.3 Conditional use.
 - 7.3.1 Community composting constitutes a conditional use in the following zoning districts (unless the community composting facility constitutes an accessory use pursuant to §7.2.2):
 - 7.3.1.1 Residential; and
 - 7.3.1.2 Mixed use.
 - 7.3.2 Issuance of a conditional use permit under this section is subject to the applicant:
 - 7.3.2.1 Meeting the conditional use standards contained in §8.0;
 - 7.3.2.2 Meeting the general conditional use standards set forth at **[INSERT SECTION(S) OF MUNICIPAL ZONING CODE, IF ANY, CONTAINING GENERAL STANDARDS FOR ISSUANCE OF CONDITIONAL USE PERMITS]**; and
 - 7.3.2.3 Receiving approval from **[INSERT PLANNING COMMISSION, CITY COUNCIL, OR OTHER ENTITY]** pursuant to **[INSERT SECTION(S) OF MUNICIPAL ZONING CODE ESTABLISHING PROCESS FOR CONDITIONAL USE PERMIT APPLICATION AND REVIEW]**.

8.0 Conditional use standards

The permitting of a community composting facility as a conditional use for residential and mixed-use districts is subject to the following:

- 8.1 Compliance with applicable municipal, state, and federal laws and regulations governing such facilities consistent with §5.2; and
- 8.2 Submission of a plan that, at minimum:
 - 8.2.1 Shows the locations of structures and bins as well as tipping and loading areas;
 - 8.2.2 Demonstrates adequate landscaping or other acceptable forms of buffering to screen outdoor aspects of the community composting facility, if any, from adjacent residential properties;
 - 8.2.3 Demonstrates that the community composting facility will not negatively impact existing water infrastructure, surface water, groundwater, and floodplains; and
 - 8.2.4 Addresses potential odor, pest control, and traffic impacts.

9.0 Area, setback, and bulk requirements

The area, setback, and bulk requirements for a community composting facility are those required for other structures and facilities within the zoning district in which the community composting facility is located.

10.0 Exception for backyard composting

This ordinance does not apply to backyard composting.

11.0 Policy to be incorporated into comprehensive plan

The [DEPARTMENT OF PLANNING (OR OTHER APPROPRIATE DEPARTMENT)] shall ensure that, at the next scheduled review of [MUNICIPALITY'S COMPREHENSIVE/MASTER PLAN], a policy establishing community composting as a permissible land use is incorporated into the plan.