

ORDINANCE NO. 3-2011

AN ORDINANCE AMENDING THE LOWER OXFORD TOWNSHIP ZONING ORDINANCE OF 1970 AS AMENDED

BE IT AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Lower Oxford, Chester County, Pennsylvania that the Lower Oxford Township Zoning Ordinance of 1970 as amended shall be and hereby is amended as follows:

§ 200 - Definitions.

Agriculture – Add to the definition of Agriculture:

“Preparation of fresh mushroom compost/substrate and processing of spent mushroom compost/substrate”

Commercial Compost Processing Operation – Delete the term “Commercial Composting Operation shall include all manure storage operations and land application of any composting materials, but shall not include the manure resulting from an on-site agricultural operation, manure products being spread on fields as fertilizer for agriculture. The term shall include spent mushroom growing substrate as well as material being processed to be used as fresh mushroom compost.”

Add: Fresh Mushroom compost/substrate and Spent Mushroom Growing Compost/ Substrate are specifically excluded from this definition.

§400.2. Agriculture **Add;** subject to the regulations contained in §1202.15 and elsewhere in this Ordinance.

§ 401 – Area and Bulk Regulations.

2. Agricultural Use

G. Remove: “the composting of manure for sale or distribution is prohibited”.

Add new § 402.3.A.3 – Fresh Mushroom Compost and Spent Mushroom Compost/Substrate Use are controlled by regulations contained in §1202.15.

§ 501.3.G – Remove: the composting of manure for sale or distribution is prohibited.

§ 502.3 – Agriculture in the form of preparation of fresh mushroom compost/substrate and the use of spent mushroom compost/substrate are controlled by the regulations contained in § 1202.15.

§ 900.12 –Agricultural use; **Add:** provided that it shall be regulated in accordance with the terms of § 501.3, § 1202.15 and any other regulations contained in this Ordinance.

§1001.2.F – **Remove:** the composting [sic] of manure for sale or distribution is prohibited.

Add new section:

§1202.15 – Regulations controlling agriculture in the form of the preparation of fresh mushroom compost/substrate and the processing of spent mushroom compost/substrate.

An owner or operator of a proposed mushroom farming operation, including the production of fresh mushroom compost/substrate and the processing of spent mushroom compost/substrate, shall obtain a Township permit to operate, which the Township shall issue to the owner or operator upon the Township's receipt of proof that:

- a. The owner or operator is engaged in a normal farming operation (as set forth in the DEP's Mushroom Best Management Manual, see Figures 3.1 and 5.1);
- b. has an approved Mushroom Farm Environmental Management Plan;
- c. complies with the best management practices in the DEP's Mushroom BMP Manual; and
- d. if applicable, has an approved farm management conservation plan or nutrient management plan.

ENACTED AND ORDAINED this 8th day of June, 2011

by the Board of Supervisors of the Township of Lower Oxford.

Attest:

LOWER OXFORD TOWNSHIP

Sara Laganelli
Sara Laganelli, Secretary

Kenneth L. Hershey
Kenneth L. Hershey

W. Ronald Kepler
W. Ronald Kepler

W. Ralph Cheek
W. Ralph Cheek