

**PROPOSED MARCH 7, 2023 AMENDMENTS TO CHAPTER 82, SHORELAND
AMENDMENTS REGARDING MARINE AQUACULTURE**

NOTE TO COUNCIL & PUBLIC:

The purpose of this proposal is to identify proposed amendments to Chapter 82, Shoreland, that are being introduced at the Council's March 7, 2023 Second Reading by the Planning and Codes Department. All language shown in **Red Font** is language that was included in the original Second Reading amendment. All language shown in **Green Font** is language that is proposed to be added at the March 7, 2023 Second Reading. All language shown in **Blue Strike-Through Font** is language proposed to be deleted from the original Second Reading amendment. The letter P in the Use Table means that the activity is a Permitted Use that does not require a City permit.

ARTICLE IV, SECTION 82-137, TABLE OF USES

SECTION 82-137 TABLE OF USE SHORELAND DISTRICTS, TYPE OF USE	Limited Residential (LR)	Urban Residential (UR)	General Development (GD)	Waterfront Development (WD)	Resource Protection (RP)	Stream Protection (SP)	Stream Development (SD)	Manufactured Housing Community (MHC)
INDUSTRIAL, MANUFACTURING, LABORATORY, WAREHOUSE, STORAGE & AQUACULTURE								
158) Aquaculture, Land-Based	P-PBR *[qq]	NO	P-PBR *[qq]	P-PBR *[qq]	P-PBR *[qq]	P-PBR *[qq]	P-PBR *[qq]	NO
159) Aquaculture, Freshwater	P-PBR	NO	P-PBR	P-PBR	P-PBR	P-PBR	P-PBR	NO
160) Aquaculture, Marine	P-PBR P *[mm]	P-PBR P *[mm]	P-PBR P *[mm]	NO P *[mm]	P-PBR P *[mm]	NO	NO	NO
Reserved 162) - 179)								

Sec. 82-138. Footnotes to Use Table for Shoreland Zoning Districts.

The Footnotes in Sec 82-138 apply to the Use Table for the respective Shoreland Zoning districts, reference Sec 82-137 for the Table of Uses. The Footnotes identify specific provisions that apply to certain uses identified in the Shoreland Zoning Use Table, and are intended to make persons aware of said provisions. The respective Footnotes, however, do not identify all provisions in Chapter 82, Shoreland, that may apply to a specific use, nor do they identify all other standards in Subpart B, Land Use Regulations, of the City Code

provisions in the City Code of Ordinances to determine the applicability of other requirements. The Footnotes appear next to the information that is subject to the Footnote, and are shown in the Use Table as follows: *[letter of alphabet].

***[mm]** Aquaculture operations that occur in intertidal marine waters shall obtain all permits required from the Maine Department of Marine Resources, and if applicable, the Maine Department of Environmental Protection and U.S. Army Corps of Engineers, to qualify as a permitted marine aquaculture operation. ~~Reference Chapter 82, Land Use Standards, Article V, Division 21, Marine Aquaculture, Operations, for the standards that apply to such operations.~~ In addition, the Shoreland District designation (such as Limited Residential or Resource Protection) refers to Shoreland District that abuts (coastline/intertidal waters) the marine waters in which the marine aquaculture operation is proposed.

**DEFINITIONS OF AQUACULTURE
PROPOSED MARCH 7, 2023 AMENDMENTS
TO CHAPTER 82, SHORELAND**

NOTE TO COUNCIL & PUBLIC:

The purpose of this proposal is to identify proposed amendments to Chapter 82, Shoreland, that are being introduced at the Council's March 7, 2023 Second Reading by the Planning and Codes Department. These amendments would affect the definitions for aquaculture that were included in the February 7, 2023 Second Reading amendments. The definitions of aquaculture were previously included only in Chapter 66, General Provisions, but the February 7 Second Reading amendments proposed to include the same definitions in Chapter 82, Shoreland.

All language shown in **Red Font** is language that was included in the February 7 Second Reading amendment. All language shown in **Green Font** is language that is proposed to be added at the March 7, 2023 Second Reading. All language shown in ~~Blue Strike-Through Font~~ is language proposed to be deleted from the original Second Reading amendment.

AQUACULTURE, LAND BASED. The growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species in an onshore land based facility. Said facility may involve the intake of marine waters or freshwater or the discharge of waters to marine waters or freshwater and be considered a land based aquaculture operation.

AQUACULTURE, FRESHWATER. The growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species in a freshwater waterbody; such as a stream, river, or pond. Said facility may involve the intake of marine waters or freshwater or discharge of waters to marine waters or freshwater and be considered a freshwater aquaculture operation. ~~If the freshwater activity occurs in a stream or river that is subject to tidal inundation, only aquaculture operations that occur in intertidal waters and above the low tide mark, or that occur on or that are attached/connected to a structure that is connected to shore shall be subject to City regulation pursuant to requirements of Chapter 82, Shoreland.~~

AQUACULTURE, MARINE. The growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species entirely within a marine environment, such as Belfast Bay. **Only aquaculture operations that occur in intertidal waters and above the low tide mark, or that occur on or are attached/connected to a structure that is connected to shore shall be subject to ~~City regulation pursuant to the requirements of Chapter 82, Shoreland;~~ reference Section 82-137, Table of Uses.**

**PROPOSED AQUACULTURE STANDARDS
FEBRUARY 7, 2023 SECOND READING**

**AS PROPOSED TO BE AMENDED AT THE
MARCH 7, 2023 SECOND READING**

Note to Council & Public:

The following Division 21 standards regarding the regulation of Marine Aquaculture Operations were included in the Second Reading version of the Chapter 82, Shoreland amendments presented to the City Council at the February 7, 2023 meeting. All of this language was new language to be included in the Chapter 82, Amendments. The Planning and Codes Department, as described in my memorandum to the Council dated March 1, 2023, now proposes to eliminate all of this proposed language. Thus, all text for the Division 21 standards is identified in ~~Blue Strike-Through Font~~.

~~Division 21. Marine Aquaculture Operations. (Adopted on --- insert date of Council action ---):~~

~~Sec. 82-511. Standards for Marine Aquaculture Operations.~~

~~The City shall allow certain aquaculture operations that occur entirely in marine waters, Belfast Bay and the Passagassawakeag River (City landing to the bridge on City Point Road), subject to the use complying with all of the following criteria:~~

- ~~(a) The aquaculture activity does not involve the growing or propagation of harvestable finfish that are reared and harvested entirely in marine waters.~~
- ~~(b) None of the active aquaculture operations shall occur in the areas identified as the Inner Harbor or the Bridge Harbor; reference Section 82-204.~~
- ~~(c) None of the aquaculture operations shall occur in a designated navigational channel for Belfast Harbor, and the operations shall not adversely impact navigation in the marine waters identified in Division. The Planning Board shall consider the recommendations of the Belfast Harbor Committee in rendering a finding on this requirement.~~
- ~~(d) None of the aquaculture operations shall have a significant adverse impact on the location of moorings that were active when the permit application is submitted. The Planning Board shall consider the recommendations of the Belfast Harbor Committee in rendering a finding on this requirement.~~

- ~~(e) The aquaculture activity shall not require the construction of any structures that are connected to shore, and the size of facilities, such as a moored float, that are located in marine waters shall be limited to the minimum size necessary to effectively and safely conduct all operations. The Planning Board shall consider the recommendations of the Belfast Harbor Committee in rendering a finding on this requirement.~~
- ~~(f) The location of the aquaculture operation shall be marked to minimize conflicts with navigation. The Planning Board shall consider the recommendations of the Belfast Harbor Committee, and shall consider requirements in the Department of Natural Resources Permit application in establishing conditions, if any, regarding the marking (identification) of a marine aquaculture operation.~~
- ~~(g) None of the aquaculture operations shall have a significant adverse impact on water quality.~~
- ~~(h) None of the aquaculture operations shall have a significant adverse impact on spawning grounds, fish, aquatic life, or bird or other wildlife habitat.~~
- ~~(i) The aquaculture activity shall provide evidence to the Planning Board that it can obtain any and all permits required from the Department of Marine Resources or other State agencies.~~