



Planning, Development, &
Transportation Department
Planning Division
305 Chestnut Street
PO Box 1810
Wilmington, NC 28402-1810

910 254-0900
910 341-3264 fax
wilmingtonnc.gov
Dial 711 TTY/Voice

TRANSMITTAL LETTER

TO: Zoning Enforcement Inspector
DATE: June 30, 2021
SUBJECT: **NCSPA South Gate Upgrades** Project # 2019092
LOCATION: 2202 Burnett Blvd

The following items are being sent to you via this package.

QUAN.	DWG./NO.	DESCRIPTION
1	Dated 6/30/21	NCSPA South Gate Upgrades Approved Plans
1	Dated 6/17/20	Approved Tree Preservation Permit
1	Dated 6/30/21	City Comprehensive Stormwater Management Permit No. 2021027
1	Dated 05/18/20	State Erosion Control #NEWHA-2020-020
1	Dated 7/16/20	State Stormwater Permit No. SW8121202
1	Dated 1/21/21	BADV-4-920 Order

REMARKS: The **NCSPA South Gate Upgrades** project, located at 2202 Burnett Blvd, is hereby conditionally released for construction. The following conditions must be satisfied as part of this release:

- A. A PRE-CONSTRUCTION MEETING MUST BE HELD BETWEEN THE SITE CONTRACTOR AND CITY STAFF PRIOR TO ANY SITE WORK, TREE REMOVAL, CLEARING, OR GRADING BEGINNING ON THE SITE. FAILURE TO COMPLY WILL RESULT IN IMMEDIATE CIVIL PENALTIES. CONTACT 910-254-0900.
- B. THIS DEVELOPMENT SHALL COMPLY WITH ALL LOCAL, CITY TECHNICAL STANDARDS, REGIONAL, STATE AND FEDERAL DEVELOPMENT REGULATIONS. ALL APPLICABLE TRC REQUIREMENTS SHALL BE COMPLETED PRIOR TO ISSUANCE OF THE FINAL ZONING APPROVAL.
- C. PER THE REQUIREMENTS OF THE STORMWATER PERMIT, THE FOLLOWING SHALL OCCUR PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY OR OPERATION OF THE PERMITTED FACILITY:
 - A FINAL INSPECTION IS REQUIRED BY CITY OF WILMINGTON ENGINEERING PERSONNEL (910) 341-5856.
- D. THE APPLICANT SHALL SUBMIT A PAYMENT IN LIEU FOR (SIDEWALK OR STORMWATER) IMPROVEMENTS TO IN ENGINEERING IN THE AMOUNT OF \$19,140.00 PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY OR USE OF THE FACILITY. FEE HAS BEEN PAID.

- E. PRIOR TO A FINAL INSPECTION, A WALKTHROUGH WITH CITY INSPECTIONS SHALL TAKE PLACE TO VERIFY COMPLETENESS OF SITE WORK IN ROW. ANY MATERIAL TEST REPORTS AND STORMWATER VIDEOS AS REQUIRED SHALL BE SUBMITTED PRIOR TO AND APPROVED BY CITY ENGINEERING. PLEASE CONTACT THE CITY ENGINEERING DIVISION AT 910.341.0094.
- F. THIS PROJECT IS PROPOSING LESS THAN 500 LINEAR FEET OF RIGHT-OF-WAY OR PUBLIC IMPROVEMENTS. PER CHAPTER V OF THE CITY FEE SCHEDULE, THE PROJECT WILL REQUIRE ENGINEERING INSPECTION FEES IN THE AMOUNT OF \$250.00. THIS FEE MUST BE PAID PRIOR TO ISSUANCE OF PLAT RECORDATION OF CERTIFICATE OF OCCUPANCY. PLEASE CONTACT CITY ENGINEERING AT 910.341.0094 FOR PAYMENT OPTIONS.
- G. CONTRACTOR SHALL SUBMIT A RADIO SIGNAL STRENGTH STUDY FOR ALL COMMERCIAL BUILDINGS THAT DEMONSTRATES THAT EXISTING EMERGENCY RESPONDER RADIO SIGNAL LEVELS MEET THE REQUIREMENTS OF SECTION 510 OF THE 2018 NC FIRE CODE.
- H. THE DEVELOPER ASSUMES ALL RISKS AND PENALTIES WITH ANY DELAY OR STOP WORK ORDER ASSOCIATED WITH THE VIOLATION OF THIS RELEASE. THE DEVELOPER ACKNOWLEDGES THE CONDITIONS OF THIS RELEASE AND ASSUMES ALL RESPONSIBILITIES AND RISKS ASSOCIATED WITH IT. THE CITY OF WILMINGTON WILL NOT BE HELD LIABLE FOR ANY COSTS ASSOCIATED WITH THE CONSTRUCTION RELEASE.
- I. APPROVAL OF A MAJOR OR MINOR SITE PLAN SHALL EXPIRE AFTER EIGHTEEN (18) MONTHS FROM THE DATE OF SUCH APPROVAL IF THE APPLICANT HAS FAILED TO MAKE SUBSTANTIAL PROGRESS ON THE SITE. THE TECHNICAL REVIEW COMMITTEE MAY GRANT A SINGLE, SIX-MONTH EXTENSION OF THIS TIME LIMIT FOR MAJOR AND MINOR SITE PLANS, FOR GOOD CAUSE SHOWN, UPON RECEIVING A REQUEST FROM THE APPLICANT BEFORE THE EXPIRATION OF THE APPROVED PLAN. IN THE EVENT APPROVAL OF A SITE PLAN HAS EXPIRED, FOR WHATEVER REASONS, THE OWNER AND/OR APPLICANT WILL BE REQUIRED TO RESUBMIT FOR APPROVAL OF A SITE PLAN THAT MEETS CURRENT DEVELOPMENT STANDARDS UNLESS OTHERWISE NOTED IN THIS CHAPTER.
- J. IF THE CONDITIONS LISTED ABOVE ARE VIOLATED, A STOP WORK ORDER WILL BE ISSUED.



Signature: _____

Jeff Walton, Associate Planner

Copy: Andrew Petty, PE
Bret Russell
Rob Gordon
Jim Quinn
Aaron Reese
Rich Christensen
Eric Seidel
Trent Butler
Chris Elrod
Chris Walker
Brian Blackmon
Jim Sahlie
Bill McDow
Mitesh Baxi
Don Bennett
Bernice Johnson
Beth Easley Wetherill
Michelle Hutchinson
Amy Beatty
Ryan O'Reilly
Joan Mancuso
Catherine Meyer
Debra Hornbuckle
Meredith Everhart
Amy Dukes

Applicant (e-mail only)
Construction Manager
Engineering (email only)
Stormwater Specialist (email only)
Urban Forestry (email only)
Engineering (email only)
Engineering (email only)
Engineering (email only)
Wilmington Fire Department (e-mail only)
Wilmington Fire Department (e-mail only)
Surveyor (e-mail only)
GIS Addressing (e-mail only)
Traffic Engineering (e-mail only)
Traffic Engineering (e-mail only)
Traffic Engineering (e-mail only)
CFPUA (e-mail letter only)
NHC Erosion Control (e-mail only)
GIS Engineer (e-mail only)
Community Services (e-mail only)
Community Services (e-mail only)
City Zoning (email only)
City Zoning (email only)
City Zoning (email only)
City Attorney's Office (email only)
City Attorney's Office (email only)



Planning, Development, &
Transportation Department
Planning Division
305 Chestnut Street
PO Box 1810
Wilmington, NC 28402-1810

910 254-0900
910 341-3264 fax
wilmingtonnc.gov

June 30, 2021

Mr. Andrew Petty, PE
Curry Engineering
205 S. Fuquay Ave.
Fuquay-Varina, NC 27526

RE: NCSPA South Gate Upgrades project, located at 2202 Burnett Blvd

Please make note of the conditions for the release as they appear on the attached release letter. These conditions must be followed and met in order for the construction to be approved. ***Prior to beginning any construction or grading on the site, you must have a pre-construction meeting between City staff and the project's representatives. Any violation of this condition will result in an immediate stop work order and other civil penalties. Please contact our zoning office at 254-0900 to schedule the preconstruction meeting.***

All construction on the site must be in accordance with the City of Wilmington standards and the approved construction plans stamped by the City. All trees and areas designated to be saved or protected must be properly barricaded and/or marked throughout construction. In addition please be aware that to obtain a final zoning inspection for this construction project, the appropriate departments within the City of Wilmington must perform and approve final inspections.

To arrange for inspections please contact the assigned Zoning Enforcement Officer, at 254-0900. Staff will coordinate the inspections and provide a punch-list to the Developer within 5 working days. Upon correction of the punch-list items, a final inspection will be performed. ***NOTE: Zoning will not issue final approval until all requirements of the City of Wilmington are fulfilled.***

Please also be advised that any party aggrieved by the issuance of this approval may file a notice of appeal to the City Clerk within 30 days of receipt of active or constructive notice of this decision. It shall be presumed that all persons with standing to appeal have constructive notice of the decision from the date a sign containing the words "Zoning Decision" or "Subdivision Decision" in letters at least six inches high and identifying the means to contact an official for information about the decision is prominently posted on the property that is the subject of the decision, provided the sign remains on the property for at least 10 days. Posting of signs is not the only form of constructive notice. Any such posting shall be the responsibility of the landowner or applicant. Verification of the posting shall be provided to the official who made the decision. Absent an ordinance provision to the contrary, posting of signs shall not be required.

The City thanks you for your investment in our community and we look forward to working with you towards the construction of a quality development project.

Sincerely,

Jeff Walton
Associate Planner



Department of Planning,
Development and Transportation
Planning Division
305 Chestnut Street
PO Box 1810
Wilmington, NC 28402-1810

910 254-0900
910 341-3264 fax
www.wilmingtonnc.gov
Dial 711 TTY/Voice

APPROVED: ☒ DENIED: ☐

PERMIT #: _____

Application for Tree Removal Permit

Name of Applicant: NCSPA - Paul Cozza Phone: 910-343-6484 Date: _____

Name of Property Owner: NCSPA - Paul Cozza Phone: 910-343-6484

Property Owner Address: 2202 Burnett Blvd Wilmington, NC 28526

Address of Proposed Tree Removal: 2202 Burnett Blvd Wilmington, NC 28526

Description of tree(s) to be removed/reason for removal: (provide attachment if necessary)

- | | |
|----------------|-----------|
| 1. <u>NONE</u> | 6. _____ |
| 2. _____ | 7. _____ |
| 3. _____ | 8. _____ |
| 4. _____ | 9. _____ |
| 5. _____ | 10. _____ |

Description of Replacement Tree(s): NONE

I, Paul Cozza, certify that the property owner has given me permission to apply for this permit on his/her behalf.

Applicant Signature: _____ Date: _____

*****FOR OFFICIAL USE ONLY*****

Reviewed By: APPROVED Date: _____

Remarks: By waltonj at 10:03 am, Jun 17, 2020

ALL WORK MUST BE IN COMPLIANCE WITH THE CITY LAND DEVELOPMENT CODE,
ARTICLE 8, LANDSCAPING AND TREE PRESERVATION.

NEW CONSTRUCTION: ☐ EXPANSION: ☒ OTHER: ☐ PAID: ☐ No Fee

Tree Preservation Permit Fees

Less than 1 acre	\$25.00
1-5 acres	\$50.00
5-10 acres	\$100.00
Greater than 10 acres	\$150.00

COMPREHENSIVE STORMWATER MANAGEMENT PERMIT

HIGH DENSITY DEVELOPMENT

SECTION 1 – APPROVAL

Having reviewed the application and all supporting materials, the City of Wilmington has determined that the application is complete and the proposed development meets the requirements of the City of Wilmington's Comprehensive Stormwater Ordinance.

PERMIT HOLDER: **North Carolina State Ports Authority**
PROJECT: **N.C.S.P.A. Upgrades to South Gate Complex**
ADDRESS: **2202 Burnett Boulevard**
PERMIT #: **2021027**
DATE: **June 30, 2021**

Therefore, the above referenced site is hereby approved and subject to all conditions set forth in Section 2 of this approval and all applicable provisions of the City of Wilmington Comprehensive Stormwater Management Ordinance.

This permit shall be effective from the date of issuance until June 30, 2031 and shall be subject to the following specified conditions and limitations:

Section 2 - CONDITIONS

1. This approval is valid only for the stormwater management system as proposed on the approved stormwater management plans dated June 28, 2021.
2. The project will be limited to the amount and type of built-upon area indicated in Section IV of the Stormwater Management Application Form submitted as part of the approved stormwater permit application package, and per the approved plans.
3. This permit shall become void unless the facilities are constructed in accordance with the approved stormwater management plans, specifications and supporting documentation, including information provided in the application and supplements.
4. The runoff from all built-upon area within any permitted drainage area must be directed into the permitted stormwater control system for that drainage area.
5. The permittee shall submit a revised stormwater management application packet to the City of Wilmington and shall have received approval prior to construction, for any modification to the approved plans, including, but not limited to, those listed below:
 - a. Any revision to any item shown on the approved plans, including the stormwater management measures, built-upon area, details, etc.
 - b. Redesign or addition to the approved amount of built-upon area or to the drainage area.
 - c. Further subdivision, acquisition, lease or sale of any part of the project area.
 - d. Filling in, altering, or piping of any vegetative conveyance shown on the approved plan.
 - e. Construction of any permitted future areas shown on the approved plans.

6. A copy of the approved plans and specifications shall be maintained on file by the Permittee.
7. During construction, erosion shall be kept to a minimum and any eroded areas of the system will be repaired immediately.
8. If the stormwater system was used as an Erosion Control device, it must be restored to design condition prior to operation as a stormwater treatment device, and prior to issuance of any certificate of occupancy for the project.
9. All areas must be maintained in a permanently stabilized condition. If vegetated, permanent seeding requirements must follow the guidelines established in the North Carolina Erosion and Sediment Control Planning and Design Manual unless an alternative is specified and approved by the City of Wilmington.
10. All applicable easements pertaining to each stormwater treatment system shall be referenced on the final plat and recorded with the Register of Deeds upon final plat approval. If no plat is recorded for the site the easements shall be recorded with the Register of Deeds so as to appear in the chain of title of all subsequent purchasers under generally accepted searching standards.
11. The stormwater management system shall be constructed in its entirety, vegetated and operational for its intended use prior to the construction of any built-upon surface unless prior approval is obtained. City Staff must be notified of any deviation prior to construction of the built-upon surface. Any deviation request shall include justification and must propose an alternative timeline or construction sequence. Notification shall not constitute approval. Any alternative timeline approved by City staff shall become an enforceable component of this permit.
12. The permittee shall at all times provide the operation and maintenance necessary to assure the permitted stormwater system functions at optimum efficiency. maintenance must occur at the scheduled intervals including, but not limited to:
 - a. Scheduled inspections.
 - b. Sediment removal.
 - c. Mowing and revegetation of slopes and the vegetated areas.
 - d. Maintenance of landscape plants, including those within the landscape buffer and on the vegetated shelf.
 - e. Immediate repair of eroded areas, especially slopes.
 - f. Debris removal and unclogging of outlet structure, orifice device, flow spreader, catch basins and/or piping.
13. Records of inspection, maintenance and repair for the permitted stormwater system must be kept by the permittee for at least 5 years from the date of record and made available upon request to authorized personnel of the City of Wilmington. The records will indicate the date, activity, name of person performing the work and what actions were taken.

14. Upon completion of construction, before a Certificate of Occupancy shall be granted, and prior to operation or intended use of this permitted facility, the applicant shall submit to the City of Wilmington as-built plans for all stormwater management facilities. The plans shall show the final design specifications and the field location, type, depth, invert and planted vegetation of all measures, controls and devices, as-installed. A final inspection by City of Wilmington personnel will be required prior to issuance of a certificate of occupancy or operation of the permitted facility.
15. This permit is not transferable except after application and approval by the City of Wilmington. In the event of a change of ownership, name change or change of address the permittee must submit a completed Name/Ownership Change form to the City of Wilmington at least 30 days prior to the change. It shall be signed by all applicable parties and be accompanied by all required supporting documentation. Submittal of a complete application shall not be construed as an approved application. The application will be reviewed on its own merits by the City of Wilmington and may or may not be approved. The project must be in compliance with the terms of this permit in order for the transfer request to be considered. The permittee is responsible for compliance with all permit conditions until such time as the City of Wilmington approves the transfer request. Neither the sale of the project nor the conveyance of common area to a third party should be considered as an approved transfer of the permit.
16. Failure to abide by the conditions and limitations contained in this permit may subject the Permittee to enforcement action by the City of Wilmington, in accordance with Sections 18-52 and 18-53 and any other applicable section of the Land Development Code.
17. The City of Wilmington may notify the permittee when the permitted site does not meet one or more of the minimum requirements of the permit. Within the time frame specified in the notice, the permittee shall submit a written time schedule to the City of Wilmington for modifying the site to meet minimum requirements. The permittee shall provide copies of revised plans and certification in writing to the City of Wilmington that the changes have been made.
18. The issuance of this permit does not preclude the Permittee from complying with any and all statutes, rules, regulations, or ordinances, which may be imposed by other government agencies (local, state, and federal) having jurisdiction.
19. In the event that the facilities fail to perform satisfactorily, including the creation of nuisance conditions, the Permittee shall take immediate corrective action, including those as may be required by the City of Wilmington, such as the construction of additional or replacement stormwater management systems.
20. The permittee grants City of Wilmington Staff permission to enter the property during normal business hours for the purpose of inspecting all components of the permitted stormwater management facility.
21. The permit issued shall continue in force and effect until revoked or terminated by the City of Wilmington. The permit may be modified, revoked and reissued or terminated for cause. The filing of a request for a permit modification, revocation and re-issuance or termination does not stay any permit condition.



Public Services

Engineering
212 Operations Center Drive
Wilmington, NC 28412
910 341-7807
910 341-5881 fax
wilmingtonnc.gov
Dial 711 TTY/Voice

22. The approved stormwater management plans and all documentation submitted as part of the approved stormwater management permit application package for this project are incorporated by reference and are enforceable parts of the permit.
23. The permittee shall submit a renewal request with all required forms and documentation at least 180 days prior to the expiration date of this permit.
24. If any one or more of the conditions of this permit is found to be unenforceable or otherwise invalidated, all remaining conditions shall remain in full effect.

Stormwater Management Permit issued this the 30th day of June, 2021.

Richard Christensen

for Sterling Cheatham, City Manager
City of Wilmington

RECEIVED

By waltonj at 12:39 pm, Jun 11, 2020



Public Services

Engineering
212 Operations Center Dr
Wilmington, NC 28412
910 341-7807
91 341-5881 fax
wilmingtonnc.gov
Dial 711 TTY/Voice

STORMWATER MANAGEMENT PERMIT APPLICATION FORM
(Form SWP 2.3)

I. GENERAL INFORMATION

1. Project Name (subdivision, facility, or establishment name - should be consistent with project name on plans, specifications, letters, operation and maintenance agreements, etc.):

North Carolina State Port Authority Upgrades to South Gate Complex

2. Location of Project (street address):

2202 Burnett Boulevard

City: Wilmington County: New Hanover Zip: 28401

II. PERMIT INFORMATION

1. Specify the type of project (check one): ☐ Low Density ☒ High Density
☐ Offsite Stormwater System ☐ Drainage Plan ☐ Redevelopment ☐ Other

If the project drains to an Offsite System, list the Stormwater Permit Number(s):

City of Wilmington: _____ State – NCDEQ/DEMLR: SW8121202

2. Is the project currently covered (whole or in part) by an existing City or State (NCDEQ/DEMLR) Stormwater Permit? ☒ Yes ☐ No

If yes, list all applicable Stormwater Permit Numbers:

City of Wilmington: _____ State – NCDEQ/DEMLR: SW8121202

3. Additional Project Permit Requirements (check all applicable):

☐ CAMA Major ☒ Sedimentation/Erosion Control ☐ 404/401 Permit

III. CONTACT INFORMATION

1. Print Applicant / Signing Official's name and title (the developer, property owner, lessee, designated government official, individual, etc. who owns the project):

Applicant / Organization: North Carolina State Ports Authority

Signing Official & Title: Paul Cozza - Executive Director

a. Contact information for Applicant / Signing Official:

Address: 2202 Burnett Boulevard

City: Wilmington State: NC Zip: 28401

Phone: 910-763-1621 Email: paul.cozza@ncports.com

b. Please check the appropriate box. The applicant listed above is:

- ☒ The property owner/Purchaser (Skip to item 3)
☐ Lessee (Attach a copy of the lease agreement and complete items 2 and 2a below)
☐ Developer (Complete items 2 and 2a below.)

2. Print Property Owner's name and title (if different from the applicant).

Property Owner / Organization: _____

Signing Official & Title: _____

a. Contact information for Property Owner:

Street Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

3. (Optional) Other Contact name and title (such as a construction supervisor) who would like to be copied on all correspondence:

Other Contact Person / Organization: Todd Walton

Signing Official & Title: Sr. Environmental Analyst

a. Contact information for person listed in item 3 above:

Street Address: 2202 Burnett Boulevard

City: Wilmington State: NC Zip: 28401

Phone: 910-746-6460 Email: todd.walton@ncports.com

4. Agent Authorization: Complete this section if you wish to designate authority to another individual and/or firm (such as a consulting engineer and /or firm) so that they may provide information on your behalf for this project (such as addressing requests for additional information).

Consulting Engineer: Andrew S Petty, PE

Consulting Firm: The Curry Engineering Group, PLLC

a. Contact information for consultant listed above:

Mailing Address: 205 South Fuquay Avenue

City: Fuquay-Varina State: NC Zip: 27526

Phone: 919.552.0849 Email: andy@curryeng.com

IV. PROJECT INFORMATION

1. Total Property Area: 2,175,386 square feet
2. Total Coastal Wetlands Area: 0 square feet
3. Total Surface Water Area: 0 square feet
4. Total Property Area (1) – Total Coastal Wetlands Area (2) – Total Surface Water Area (3) = Total Project Area: 2,175,386 square feet.
5. Existing Impervious Surface within Project Area: 1,858,426 square feet
6. Existing Impervious Surface to be Removed/Demolished: 11,482 square feet
7. Existing Impervious Surface to Remain: 1,846,944 square feet
8. Total Onsite (within property boundary) Newly Constructed Impervious Surface (in square feet):

Buildings/Lots	5,003
Impervious Pavement	93,719
Pervious Pavement (total area / adjusted area w credit applied)	/
Impervious Sidewalks	1,466
Pervious Sidewalks (total area / adjusted area w credit applied)	/
Other (Describe)	
Future Development	
Total Onsite Newly Constructed Impervious Surface	100,188

9. Total Onsite Impervious Surface
(Existing Impervious Surface to remain + Onsite Newly Constructed Impervious Surface) 1,947,132 square feet
10. Net Change in Onsite Impervious Surface (+ for net increase, - for net decrease) +100,188 square feet
11. Project percent of impervious area: (Total Onsite Impervious Surface / Total Project Area) x100 = 89.5 %
12. Total Offsite Newly Constructed Impervious Area (in square feet):

Impervious Pavement	0
Pervious Pavement (total area / adjusted area w credit applied)	/
Impervious Sidewalks	0
Pervious Sidewalks (total area / adjusted area w credit applied)	/
Other (Describe)	0
Total Offsite Newly Constructed Impervious Surface	0

13. Complete the following information for each Stormwater SCM drainage area. Low Density and Drainage Plan projects (with no permeable pavements) may omit this section and skip to Section V.

Basin Information	BayFilter SCM # 1	Type of SCM SCM #	Type of SCM SCM #
Receiving Stream Name	Cape Fear River		
Receiving Stream Index Number	#18-(71)		
Stream Classification	SC		
Total Drainage Area (sf)	118,580		
On-Site Drainage Area (sf)	114,627		
Off-Site Drainage Area (sf)	3,953		
Buildings/Lots (sf)			
Impervious Pavement (sf)	18,444		
Pervious Pavement (total / adjusted) (sf)	/	/	/
Impervious Sidewalks (sf)			
Pervious Sidewalks (total / adjusted) (sf)	/	/	/
Other (sf)			
Future Development (sf)			
Existing Impervious to remain (sf)	96,183		
Offsite (sf)			
Total Impervious Area (sf)	114,627		
Percent Impervious Area (%)	96%		

Basin Information	Type of SCM SCM #	Type of SCM SCM #	Type of SCM SCM #
Receiving Stream Name			
Receiving Stream Index Number			
Stream Classification			
Total Drainage Area (sf)			
On-Site Drainage Area (sf)			
Off-Site Drainage Area (sf)			
Buildings/Lots (sf)			
Impervious Pavement (sf)			
Pervious Pavement (total / adjusted) (sf)	/	/	/
Impervious Sidewalks (sf)			
Pervious Sidewalks (total / adjusted) (sf)	/	/	/
Other (sf)			
Future Development (sf)			
Existing Impervious to remain (sf)			
Offsite (sf)			
Total Impervious Area (sf)			
Percent Impervious Area (%)			

V. SUBMITTAL REQUIREMENTS

Only complete application packages will be accepted and reviewed by the City. A complete package includes all of the items listed below. Copies of forms, deed restrictions, checklists as well as detailed instructions on how to complete this application form may be downloaded from the City of Wilmington Plan Review website below:

<https://www.wilmingtonnc.gov/departments/engineering/plan-review/stormwater-permits>

The complete application package should be submitted to the following address:

City of Wilmington – Engineering
Plan Review Section
212 Operations Center Dr.
Wilmington, NC 28412

Please indicate that the following required information have been provided by initialing in the space provided for each item.

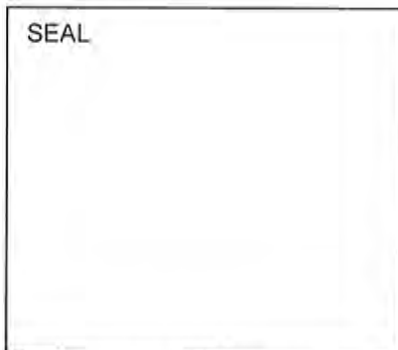
	Initials
1. One completed Stormwater Management Permit Application Form.	<u>ASP</u>
2. One completed Supplement Form for each SCM proposed (signed, sealed and dated).	<u>ASP</u>
3. One completed Operation & Maintenance agreement for each <u>type</u> of SCM.	<u>ASP</u>
4. Proposed Deed Restrictions and Restrictive Covenants (for all subdivisions)	<u>ASP</u>
5. Appropriate stormwater permit review fee.	<u>ASP</u>
6. Minimum requirements identified on the Engineering Plan Review Checklist have been addressed.	<u>ASP</u>
7. One set of calculations (sealed, signed and dated).	<u>ASP</u>
8. A detailed narrative (one to two pages) describing the stormwater treatment/management system for the project.	<u>ASP</u>
9. A USGS map identifying the site location. If the receiving stream is reported as class SA or the receiving stream drains to class SA waters within ½ mile of the site boundary, include the ½ mile radius on the map.	<u>ASP</u>
10. A copy of the soils report, if applicable. Must meet NCDEQ SCM Manual and MDC requirements for the type of SCM proposed. The report must include boring logs and a map of boring locations.	<u>ASP</u>
11. One full set of plans <u>folded to 8.5" x 14"</u> . <i>Plans emailed due to COVID-19</i>	<u>ASP</u>
12. A map delineating and labeling the drainage area for each SCM proposed.	<u>ASP</u>
13. A map delineating and labeling the drainage area for each inlet and conveyance proposed.	<u>ASP</u>
14. A digital copy of the entire submittal package (can be submitted via flash drive, CD, email, dropbox or other file sharing system).	<u>ASP</u>

VI. PROPERTY OWNER AUTHORIZATION (If Section III(2) has been filled out, complete this section)

I, _____, certify that I own the property identified in this permit application, and thus give permission to _____ with _____ to develop the project as currently proposed. A copy of the lease agreement or pending property sales contract has been provided with the submittal, which indicates the party responsible for the operation and maintenance of the stormwater system.

As the legal property owner I acknowledge, understand, and agree by my signature below, that if my designated agent _____ dissolves their company and/or cancels or defaults on their lease agreement, or pending sale, responsibility for compliance with the City of Wilmington Stormwater Permit reverts back to me, the property owner. As the property owner, it is my responsibility to notify the City of Wilmington immediately and submit a completed Name/Ownership Change Form within 30 days; otherwise I will be operating a stormwater treatment facility without a valid permit. I understand that the operation of a stormwater treatment facility without a valid permit is a violation of the City of Wilmington Municipal Code of Ordinances and may result in appropriate enforcement including the assessment of civil penalties.

Signature: _____ Date: _____



I, _____, a Notary Public for the State of _____, County of _____, do hereby certify that _____ personally appeared before me this day of _____, and acknowledge the due execution of the application for a stormwater permit. Witness my hand and official seal, _____
My commission expires: _____

VII. APPLICANT'S CERTIFICATION

I, Paul J. Cotza, certify that the information included on this permit application form is, to the best of my knowledge, correct and that the project will be constructed in conformance with the approved plans, that the required deed restrictions and protective covenants will be recorded, and that the proposed project complies with the requirements of the applicable rules under the City's Comprehensive Stormwater Ordinance.

Signature: _____ Date: May 8, 2020



I, Patricia M. Hamric, a Notary Public for the State of North Carolina, County of Brunswick, do hereby certify that Paul J. Cotza personally appeared before me this day of May 8, 2020, and acknowledge the due execution of the application for a stormwater permit. Witness my hand and official seal, Patricia M. Hamric
My commission expires: 4-10-21

ROY COOPER
Governor
MICHAEL S. REGAN
Secretary
BRIAN WRENN
Acting Director



May 18, 2020

**LETTER OF APPROVAL WITH MODIFICATIONS AND
PERFORMANCE RESERVATIONS**

NC State Ports Authority
ATTN: Paul J. Cozza, Executive Director
PO Box 9002
Wilmington, NC 28402

RE: Project Name: NC State Port Authority Upgrades to South Gate Complex - EXPRESS
Acres Approved: 15.80
Project ID: NEWHA-2020-020
County: New Hanover
City: Wilmington
Address: Shipyard Boulevard and River Road
River Basin: Cape Fear
Stream Classification: Other
Submitted By: Andrew S. Petty, PE, Curry Engineering
Date Received by LQS: May 15, 2020
Plan Type: Industrial

Dear Mr. Cozza:

This office has reviewed the subject erosion and sedimentation control plan and hereby issues this Letter of Approval with Modifications and Performance Reservations. A list of the modifications and reservations is attached. This plan approval shall expire three (3) years following the date of approval, if no land-disturbing activity has been undertaken, as is required by Title 15A NCAC 4B .0129. Should the plan not perform adequately, a revised plan will be required (G.S. 113A-54.1)(b).

As of April 1, 2019, all new construction activities are required to complete and submit an electronic Notice of Intent (eNOI) form requesting a Certificate of Coverage (COC) under the NCG010000 Construction General Permit. After the form is reviewed and found to be complete, you will receive a link with payment instructions for the \$100 annual permit fee. After the fee is received, you will receive the COC via email. You MUST obtain the COC prior to commencement of any land disturbing activity. The eNOI form may be accessed at deq.nc.gov/NCG01. Please direct questions about the eNOI form to Annette Lucas at Annette.lucas@ncdenr.gov or Paul Clark at Paul.clark@ncdenr.gov. If the owner/operator of this project changes in the future, the new responsible party is required to apply for his/her own COC.



North Carolina Department of Environmental Quality | Division of Energy, Mineral and Land Resources
Wilmington Regional Office | 127 Cardinal Drive Extension | Wilmington, North Carolina 28405
910.796.7215

Letter of Approval with Modifications and Performance Reservations
NC State Ports Authority
May 18, 2020
Page 2 of 4

Title 15A NCAC 4B .0118(a) and the NCG01 permit require that the following documentation be kept on file at the job site:

1. The approved E&SC plan as well as any approved deviation.
2. The NCG01 permit and the COC, once it is received.
3. Records of inspections made during the previous 12 months.

Also, this letter gives the notice required by G.S. 113A-61.1(a) of our right of periodic inspection to insure compliance with the approved plan.

North Carolina's Sedimentation Pollution Control Program is performance-oriented, requiring protection of existing natural resources and adjoining properties. If, following the commencement of this project, it is determined that the erosion and sedimentation control plan is inadequate to meet the requirements of the Sedimentation Pollution Control Act of 1973 (North Carolina General Statute 113A-51 through 66), this office may require revisions to the plan and implementation of the revisions to ensure compliance with the Act.

Acceptance and approval of this plan is conditioned upon your compliance with Federal and State water quality laws, regulations, and rules. In addition, local city or county ordinances or rules may also apply to this land-disturbing activity. This approval does not supersede any other permit or approval.

Please note that this approval is based in part on the accuracy of the information provided in the Financial Responsibility Form, which you provided. This permit allows for a land-disturbance, as called for on the application plan, not to exceed the approved acres. Exceeding the acreage will be a violation of this permit and would require a revised plan and additional application fee. You are requested to file an amended form if there is any change in the information included on the form. In addition, it would be helpful if you notify this office of the proposed starting date for this project. Please notify us if you plan to have a preconstruction conference.

Your cooperation is appreciated.

Sincerely,

Rhonda Hall

Rhonda Hall
Assistant Regional Engineer
Land Quality Section

Enclosures: Modifications Required for Approval
NPDES NCG01 Fact Sheet

cc: Andrew S. Petty, PE, Curry Engineering
PO Box 2018, Fuquay-Varina, NC 27526

Wilmington Regional Office file

MODIFICATIONS AND PERFORMANCE RESERVATIONS

Project Name: NC State Port Authority Upgrades to South Gate Complex
Project ID: NEWHA-2020-020
County: New Hanover

1. This plan approval shall expire three (3) years following the date of approval, if no land-disturbing activity has been undertaken, as is required by Title 15A NCAC 4B .0129.
2. The developer is responsible for the control of sediment on-site. If the approved erosion and sedimentation control measures prove insufficient, the developer must take those additional steps necessary to stop sediment from leaving this site (NCGS 113A-57(3)). Each sediment storage device must be inspected after each storm event (NCGS 113A-54.1(e)). Maintenance and/or clean out is necessary anytime the device is at 50% capacity. All sediment storage measures will remain on site and functional until all grading and final landscaping of the project is complete (15A NCAC 04B .0113).
3. Any and all existing ditches on this project site are assumed to be left undisturbed by the proposed development unless otherwise noted. The removal of vegetation within any existing ditch or channel is prohibited unless the ditch or channel is to be regarded with side slopes of 2 horizontal to 1 vertical or less steep (15A NCAC 04B .0124 (d)). Bank slopes may be mowed, but stripping of vegetation is considered new earth work and is subject to the same erosion control requirements as new ditches (NCGS 113A-52(6)).
4. The developer is responsible for obtaining any and all permits and approvals necessary for the development of this project prior to the commencement of this land disturbing activity. This could include our agency's Stormwater regulations and the Division of Water Resources' enforcement requirements within Section 401 of the Clean Water Act, the U.S. Army Corps of Engineers' jurisdiction of Section 404 of the Clean Water Act, the Division of Coastal Management's CAMA requirements, the Division of Solid Waste Management's landfill regulations, the Environmental Protection Agency and/or The U.S. Army Corps of Engineers jurisdiction of the Clean Water Act, local County or Municipalities' ordinances, or others that may be required. This approval cannot supersede any other permit or approval; however, in the case of a Cease and Desist Order from the Corps of Engineers, that Order would only apply to wetland areas. All highland would still have to be in compliance with the N.C. Sedimentation Pollution Control Act.
5. If any area on site falls within the jurisdiction of Section 401 or 404 of the Clean Water Act, the developer is responsible for compliance with the requirements of the Division of Water Resources (DWR), the Corps of Engineers and the Environmental Protection Agency (EPA) respectively. Any erosion control measures that fall within jurisdictional wetland areas must be approved by the aforementioned agencies prior to installation. The Land Quality Section must be notified of a relocation of the measures in question to the transition point between the wetlands and the uplands to assure that the migration of sediment will not occur. If that relocation presents a problem or contradicts any requirements of either DWR, the Corps, or the EPA, it is the responsibility of the developer to inform the Land Quality Section regional office so that an adequate contingency plan can be made to assure sufficient erosion control remains on site. Failure to do so will be considered a violation of this approval (NCGS 113A-54.1(b)).

Letter of Approval with Modifications and Performance Reservations

NC State Ports Authority

May 18, 2020

Page 4 of 4

6. Any borrow material brought onto this site must be from a legally operated mine or other approved source. Any soil waste that leaves this site can be transported to a permitted mine or separately permitted construction sites without additional permits under NCGS 74-49(7)(d). Disposal at any other location would have to be included as a permit revision for this approval.
7. This permit allows for a land disturbance, as called for on the application plan, not to exceed **15.8** acres. Exceeding that acreage will be a violation of this permit and would require a revised plan and additional application fee. Any addition in impervious surface, over that already noted on the approved plan, would also require a revised plan to verify the appropriateness of the erosion control measures and stormwater retention measures (NCGS 113A-54.1(b)).
8. The construction detail for the proposed silt fence requires reinforcing wire and **steel** posts a maximum of eight (8) feet apart. Omission of the reinforcing wire is a construction change that necessitates more posts for support, i.e., the spacing distance needs to be reduced to no greater than six (6) feet apart (E&SC Planning & Design Manual 6.63, Rev. 6/06).
9. Sediment storage basins have not been provided on this site. It is proposed that silt fencing be used for sediment retention. If this proves to be inadequate, the developer must take those additional steps necessary to stop sediment from leaving this site and a revised Soil and Erosion Control Plan will be required to be submitted (NCGS 113A-57(3)).
10. The plan includes a very specific phasing schedule. If it proves impractical to follow the proposed phasing schedule, a revised plan will be required.
11. A graveled construction entrance must be located at each point of access and egress available to construction vehicles during the grading and construction phases of this project. Access and egress from the project site at a point without a graveled entrance will be considered a violation of this approval. Routine maintenance of the entrances is critical (113A-54.1(b)).
12. As a condition of the NPDES General Stormwater Permit (NCG010000), the financially responsible party shall comply with the NCG01 Ground Stabilization And Materials Handling requirements that became effective April 1, 2019. The NCG01 Ground Stabilization And Materials Handling standard detail can be printed from the deq.nc.gov/NCG01 website.
13. As a condition of the NPDES General Stormwater Permit (NCG010000), the financially responsible party shall comply with the NCG01 Self-Inspection, Recordkeeping and Reporting requirements that became effective April 1, 2019. The NCG01 Self-Inspection, Recordkeeping and Reporting standard detail can be printed from the deq.nc.gov/NCG01 website.
14. As a part of routine monitoring of the approved land-disturbing activity, the financially responsible party shall assure inspections of the area covered by the approved plan after each phase of the plan has been completed and after establishment of temporary ground cover in accordance with North Carolina General Statute 113A-54.1(e).

Ref: G.S. 113A-54.1 through G.S. 113A-57
Sections 15A NCAC 04A.0101 through 15A NCAC 04E.0504
General Permit NCG 010000 NPDES for Construction Activities

ROY COOPER

Governor

MICHAEL S. REGAN

Secretary

BRIAN WRENN

Director



NORTH CAROLINA
Environmental Quality

July 16, 2020

North Carolina State Ports Authority
Attn: Paul Cozza, Executive Director
P.O. Box 9002
Wilmington, NC 28401

**Subject: State Stormwater Management Permit No. SW8 121202
North Carolina State Ports Authority - South Gate Complex Upgrade
High Density Project
New Hanover County**

Dear Mr. Cozza:

The Wilmington Regional Office received a complete, modified State Stormwater Management Permit Application for the subject project on July 9, 2020. Staff review of the plans and specifications has determined that the project, as proposed, complies with the Stormwater Regulations set forth in Title 15A NCAC 02H.1000 amended on January 1, 2017 (2017 Rules). We are hereby forwarding modified Permit No. SW8 121202 dated July 16, 2020, for the construction of the built-upon areas (BUA) and stormwater control measures (SCMs) associated with the subject project.

This permit shall be effective from the date of issuance until July 16, 2028 and the project shall be subject to the conditions and limitations as specified therein and does not supersede any other agency permit that may be required. Failure to comply with these requirements will result in future compliance problems. Please note that this permit is not transferable except after notice to and approval by the Division.

Please refer to Attachment C for a detailed description of the current proposed major modification and a list of all the past modifications approved during the effective period of the permit.

This cover letter, attachments, and all documents on file with DEMLR shall be considered part of this permit and is herein incorporated by reference. *Please replace the previously approved plan sheets with the attached modified and approved versions. Please replace the previous application (SWU-101), supplement, operation and maintenance agreement with the attached modified versions.*

If any parts, requirements, or limitations contained in this permit are unacceptable, you have the right to request an adjudicatory hearing by filing a written petition with the Office of Administrative Hearings (OAH). The written petition must conform to Chapter 150B of the North Carolina General Statutes and must be filed with the OAH within thirty (30) days of receipt of this permit. You should contact the OAH with all questions regarding the filing fee (if a filing fee is required) and/or the details of the filing process at 6714 Mail Service Center, Raleigh, NC 27699-6714, or via telephone at 919-431-3000, or visit their website at www.NCOAH.com. Unless such demands are made this permit shall be final and binding.

If you have any questions concerning this permit, please contact Garrett Zorda in the Wilmington Regional Office, at (910) 796-7215 or garrett.zorda@ncdenr.gov.

Sincerely,

For Brian Wrenn, Director
Division of Energy, Mineral and Land Resources

Enclosures: Attachment A – Designer's Certification Form
Attachment C – Permitting History
Application Documents

DES/gdz: \\Stormwater\Permits & Projects\2012\121202 HD\2020 07 permit 121202



North Carolina Department of Environmental Quality | Division of Energy, Mineral and Land Resources
Wilmington Regional Office | 127 Cardinal Drive Extension | Wilmington, North Carolina 28405
910.796.7215

cc: Andrew S. Petty, PE, The Curry Engineering Group
New Hanover County Building Safety Department.
Wilmington Regional Office Stormwater File

STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF ENERGY, MINERAL AND LAND RESOURCES

STATE STORMWATER MANAGEMENT PERMIT

HIGH DENSITY DEVELOPMENT

In compliance with the provisions of Article 21 of Chapter 143, General Statutes of North Carolina as amended, and other applicable Laws, Rules, and Regulations promulgated and adopted by the North Carolina Environmental Management Commission, including 15A NCAC 02H.1000 amended on January 1, 2017 (2017 Rules) (the "stormwater rules"),

PERMISSION IS HEREBY GRANTED TO

North Carolina State Ports Authority

North Carolina State Ports Authority – South Gate Complex Upgrades

2202 Burnett Boulevard, Wilmington, New Hanover County

FOR THE

construction, management, operation and maintenance of built-upon area (BUA) for one (1) area of redevelopment (the "redevelopment area") as well as BUA draining to one (1) ADS BayFilter system ("stormwater control measures" or "SCMs") as outlined in the application, approved stormwater management plans, supplement, calculations, operation and maintenance agreement, recorded documents, specifications, and other supporting data (the "approved plans and specifications") as attached and/or on file with and approved by the Division of Energy, Mineral and Land Resources (the "Division" or "DEMLR"). The project shall be constructed, operated and maintained in accordance with these approved plans and specifications. The approved plans and specifications are incorporated by reference and are enforceable part of this permit.

This permit shall be effective from the date of issuance until July 16, 2028 and shall be subject to the following specified conditions and limitations. The permit issued shall continue in force and effect until the permittee files a request with the Division for a permit modification, transfer, renewal, or rescission; however, these actions do not stay any condition. The issuance of this permit does not prohibit the Director from reopening and modifying the permit, revoking and reissuing the permit, or terminating the permit for cause as allowed by the laws, rules, and regulations contained in Title 15A NCAC 2H.1000 and NCGS 143-215.1 et.al.

1. **BUA REQUIREMENTS.** The maximum amount of BUA allowed for the entire project is 1,950,039 square feet. The runoff from all BUA within the permitted drainage area of this project must be directed into the permitted SCM. The BUA requirements and allocations for this project are as follows:
 - a. **REDEVELOPMENT.** The redevelopment portion of this project is exempt from State Stormwater permitting requirements under the following conditions:
 - i. The project must be constructed as shown on the plans submitted to this Office.
 - ii. The redevelopment area proposes 1,835,412 square feet of BUA, which does not exceed the existing BUA of 1,858,426 square feet. This permit does not provide any allocation of BUA for future development within this redevelopment area.
 - iii. The proposed stormwater control, the existing stormwater infrastructure, provides equal protection of surface waters as the existing stormwater control.

- b. **SCM BUA LIMITS.** The SCM has been designed using the runoff treatment method to handle the runoff from 114,627 square feet of BUA within the delineated drainage area. This permit does not provide any allocation of BUA for future development within the delineated drainage area(s).
2. **PERVIOUS AREA IMPROVEMENTS.** At this time, none of the pervious area improvements listed in G.S. 143-214.7(b2) or the Stormwater Design Manual have been proposed for this project. Pervious area improvements will be allowed in this project if documentation is provided demonstrating those improvements meet the requirements of the stormwater rule.
3. **SCM REQUIREMENTS.** The SCM requirements for this project are as follows:
 - a. **SCM DESIGN.** The SCM is permitted based on the design criteria presented in the sealed, signed and dated supplement and as shown in the approved plans and specifications. This SCM must be provided and maintained at the design condition.
4. **STORMWATER OUTLETS.** The peak flow from the 10-year storm event shall not cause erosion downslope of the discharge point.
5. **VEGETATED SETBACKS.** A 50-foot wide vegetative setback must be provided and maintained in grass or other vegetation adjacent to all surface waters as shown on the approved plans. The setback is measured horizontally from the normal pool elevation of impounded structures, from the top of bank of each side of streams or rivers, and from the mean high waterline of tidal waters, perpendicular to the shoreline.
 - a. **BUA IN THE VEGETATED SETBACK.** BUA may not be added to the vegetated setback except as shown on the approved plans.
 - b. **RELEASE OF STORMWATER NOT TREATED IN AN SCM.** Stormwater that is not treated in an SCM must be released at the edge of the vegetated setback and allowed to flow through the setback as dispersed flow.
6. **RECORDED DOCUMENT REQUIREMENTS.** The stormwater rules require the following documents to be recorded with the Office of the Register of Deeds:
 - a. **ACCESS AND/OR EASEMENTS.** The entire stormwater conveyance system, including any SCMs, and maintenance accesses must be located in public rights-of-way, dedicated common areas that extend to the nearest public right-of-way, and/or permanent recorded easements that extend to the nearest public right-of-way for the purpose of inspection, operation, maintenance, and repair.
 - b. **OPERATION AND MAINTENANCE AGREEMENT.** The operation and maintenance agreement must be recorded with the Office of the Register of Deeds.
 - c. **FINAL PLATS.** The final recorded plats must reference the operation and maintenance agreement and must also show all public rights-of-way, dedicated common areas, and/or permanent drainage easements, in accordance with the approved plans.
 - d. **DEEDS.** The permittee shall incorporate specific restrictions and conditions into a facility management plan or another legal instrument in lieu of deed restrictions and protective covenants.
7. **CONSTRUCTION.** During construction, erosion shall be kept to a minimum and any eroded areas of the on-site stormwater system will be repaired immediately.
 - a. **UNDERGROUND SCMs.** It is recommended that during the installation of the underground SCM, photos be taken documenting the construction and demonstrating that the constructed SCM meets the approved design. It is further recommended that these photos be submitted with the required Designer's Certification.

- b. **PROJECT CONSTRUCTION, OPERATION AND MAINTENANCE.** During construction, all operation and maintenance for the project shall follow the Erosion Control Plan requirements until the Sediment-Erosion Control devices are converted to SCMs or no longer needed. Once the device is converted to a SCM, the permittee shall provide and perform the operation and maintenance as outlined in the applicable section below.
 - c. **SCM RESTORATION.** If one or more of the SCMs are used as an Erosion Control device and/or removed or destroyed during construction, it must be restored to the approved state stormwater design condition prior to close-out of the erosion control plan and/or project completion and/or transfer of the state stormwater permit. Upon restoration, a new or updated certification will be required for the SCM(s) and a copy must be submitted to the appropriate DEQ regional office.
8. **MODIFICATIONS.** No person or entity, including the permittee, shall alter any component shown in the approved plans and specifications. Prior to the construction of any modification to the approved plans, the permittee shall submit to the Director, and shall have received approval for modified plans, specifications, and calculations including, but not limited to, those listed below. For changes to the project or SCM that impact the certifications, a new or updated certification(s), as applicable, will be required and a copy must be submitted to the appropriate DEQ regional office upon completion of the modification.
- a. Any modification to the approved plans and specifications, regardless of size including the SCM(s), BUA, details, etc.
 - b. Redesign or addition to the approved amount of BUA or to the drainage area.
 - c. Further development, subdivision, acquisition, lease or sale of any, all or part of the project and/or property area as reported in the approved plans and specifications.
 - d. Altering, modifying, removing, relocating, redirecting, regrading, or resizing of any component of the approved SCM(s), stormwater collection system and/or vegetative conveyance shown on the approved plan.
 - e. The construction of any allocated future BUA.
 - f. The construction of any permeable pavement, #57 stone area, public trails, or landscaping material to be considered a permeable surface that were not included in the approved plans and specifications.
 - g. Other modifications as determined by the Director.
9. **DESIGNER'S CERTIFICATION.** Upon completion of the project, the permittee shall determine if the project is in compliance with the approved plans and take the necessary following actions:
- a. If the permittee determines that the project is in compliance with the approved plans, then within 45 days of completion, the permittee shall submit to the Division one hard copy and one electronic copy of the following:
 - i. The completed and signed Designer's Certification provided in Attachment A noting any deviations from the approved plans and specifications. Deviations may require approval from the Division;
 - ii. A copy of the recorded operation and maintenance agreement;
 - iii. Unless already provided, a copy of the recorded deed restrictions and protective covenants; and
 - iv. A copy of the recorded plat delineating the public rights-of-way, dedicated common areas and/or permanent recorded easements, when applicable.
 - b. If the permittee determines that the project is not in compliance with the approved plans, the permittee shall submit an application to modify the permit within 30 days of completion of the project or provide a plan of action, with a timeline, to bring the site into compliance.
10. **OPERATION AND MAINTENANCE.** The permittee shall provide and perform the operation and maintenance necessary, as listed in the signed operation and maintenance agreement, to assure that all components of the permitted on-site stormwater system are maintained at the approved design condition. The approved operation and maintenance agreement must be followed in its entirety and maintenance must occur at the scheduled intervals.
- a. **CORRECTIVE ACTIONS REQUIRED.** If the facilities fail to perform satisfactorily, the permittee shall take immediate corrective actions. This includes actions required by the Division and the stormwater rules such as the construction of additional or replacement on-site stormwater systems. These additional or replacement measures shall receive a permit from the Division prior to construction.

- b. **MAINTENANCE RECORDS.** Records of maintenance activities must be kept and made available upon request to authorized personnel of the Division. The records will indicate the date, activity, name of person performing the work and what actions were taken.
- 11. **PERMIT RENEWAL.** A permit renewal request must be submitted at least 180 days prior to the expiration date of this permit. The renewal request must include the appropriate application, documentation and the processing fee as outlined in 15A NCAC 02H.1045(3).
- 12. **CURRENT PERMITTEE NAME OR ADDRESS CHANGES.** The permittee shall submit a completed Permit Information Update Application Form to the Division within 30 days to making any one or more of the following changes:
 - a. A name change of the current permittee;
 - b. A name change of the project;
 - c. A mailing address change of the permittee.
- 13. **TRANSFER.** This permit is not transferable to any person or entity except after notice to and approval by the Director. Neither the sale of the project and/or property, in whole or in part, nor the conveyance of common area to a third party constitutes an approved transfer of the permit.
 - a. **TRANSFER REQUEST.** The transfer request must include the appropriate application, documentation and the processing fee as outlined in 15A NCAC 02H.1045(2) and must be submitted upon occurrence of any one or more of the following events:
 - i. The sale or conveyance of the project and/or property area in whole or in part,
 - ii. Dissolution of the partnership, corporate, or LLC entity, subject to NCGS 55-14-05 or NCGS 57D-6-07 and 08;
 - iii. Bankruptcy;
 - iv. Foreclosure, subject to the requirements of Session Law 2013-121;
 - b. **TRANSFER INSPECTION.** Prior to transfer of the permit, a file review and site inspection will be conducted by Division personnel to ensure the permit conditions have been met and that the project and the on-site stormwater system complies with the permit conditions. Records of maintenance activities performed to date may be requested. Projects not in compliance with the permit will not be transferred until all permit and/or general statute conditions are met.
- 14. **COMPLIANCE.** The permittee is responsible for complying with the terms and conditions of this permit and the approved plans and specifications until the Division approves the transfer request.
 - a. **REVIEWING AND MONITORING FOR COMPLIANCE.** The permittee is responsible for verifying that the proposed BUA within each drainage area and for the entire project does not exceed the maximum amount allowed by this permit. The permittee shall review and routinely monitor the project to ensure continued compliance with the conditions of the permit, the approved plans and specifications.
 - b. **APPROVED PLANS AND SPECIFICATIONS.** A copy of this permit, approved plans, application, supplement, operation and maintenance agreement, all applicable recorded documents, and specifications shall be maintained on file by the permittee at all times.
 - c. **DIVISION ACCESS.** The permittee grants Division Staff permission to enter the property during normal business hours to inspect all components of the permitted project.
 - d. **ENFORCEMENT.** Any individual or entity found to be in noncompliance with the provisions of a stormwater management permit or the requirements of the stormwater rules is subject to enforcement procedures as set forth in NCGS 143 Article 21.
 - e. **OBTAINING COMPLIANCE.** The Director may notify the permittee when the permitted site does not meet one or more of the minimum requirements of the permit. Within the time frame specified in the notice, the permittee shall submit a written time schedule to the Director for modifying the site to meet minimum requirements. The permittee shall provide copies of modified plans and certification in writing to the Director that the changes have been made.

- f. OTHER PERMITS. The issuance of this permit does not preclude the permittee from obtaining and complying with any and all other permits or approvals that are required for this development to take place, as required by any statutes, rules, regulations, or ordinances, which are imposed by any other Local, State or Federal government agency having jurisdiction. Any activities undertaken at this site that cause a water quality violation or undertaken prior to receipt of the necessary permits or approvals to do so are considered violations of NCGS 143-215.1, and subject to enforcement procedures pursuant to NCGS 143-215.6.

Permit modified and reissued this the 16th day of July 2020.

NORTH CAROLINA ENVIRONMENTAL MANAGEMENT COMMISSION



For Brian Wrenn, Director
Division of Energy, Mineral and Land Resources
By Authority of the Environmental Management Commission

Permit Number SW8 121202

Attachment A

Certification Forms

The following blank Designer Certification forms are included and specific for this project:

- As-Built Permittee Certification
- As-Built Designer's Certification General MDC
- As-Built Designer's Certification for ADS BayFilter Project

A separate certification is required for each SCM. These blank certification forms may be copied and used, as needed, for each SCM and/or as a partial certification to address a section or phase of the project.

AS-BUILT PERMITTEE CERTIFICATION

I hereby state that I am the current permittee for the project named above, and I certify by my signature below, that the project meets the below listed Final Submittal Requirements found in NCAC 02H.1042(4) and the terms, conditions and provisions listed in the permit documents, plans and specifications on file with or provided to the Division.

- ☐ Check here if this is a partial certification. Section/phase/SCM #? _____
☐ Check here if this is part of a Fast Track As-built Package Submittal.

Printed Name _____ Signature _____

I, _____, a Notary Public in the State of _____

County of _____, do hereby certify that _____

personally appeared before me this _____ day of _____, 20_____

and acknowledge the due execution of this as-built certification. (SEAL)

Witness my hand and official seal

My commission expires _____

Permittee's Certification NCAC .1042(4)	Completed / Provided	N/A
A. DEED RESTRICTIONS / BUA RECORDS		
1. The deed restrictions and protective covenants have been recorded and contain the necessary language to ensure that the project is maintained consistent with the stormwater regulations and with the permit conditions.	Y or N	
2. A copy of the recorded deed restrictions and protective covenants has been provided to the Division.	Y or N	
3. Records which track the BUA on each lot are being kept. (See Note 1)	Y or N	
B. MAINTENANCE ACCESS		
1. The SCMs are accessible for inspection, maintenance and repair.	Y or N	
2. The access is a minimum of 10 feet wide.	Y or N	
3. The access extends to the nearest public right-of-way.	Y or N	
C. EASEMENTS		
1. The SCMs and the components of the runoff collection / conveyance system are located in recorded drainage easements.	Y or N	
2. A copy of the recorded plat(s) is provided.	Y or N	
D. SINGLE FAMILY RESIDENTIAL LOTS - Plats for residential lots that have an SCM include the following:	Y or N	
1. The specific location of the SCM on the lot.	Y or N	
2. A typical detail for the SCM.	Y or N	
3. A note that the SCM is required to meet stormwater regulations and that the lot owner is subject to enforcement action as set forth in NCGS 143 Article 21 if the SCM is removed, relocated or altered without prior approval.	Y or N	
E. OPERATION AND MAINTENANCE AGREEMENT	Y or N	
1. The O&M Agreement is referenced on the final recorded plat.	Y or N	
2. The O&M Agreement is recorded with the Register of Deeds and appears in the chain of title.	Y or N	
F. OPERATION AND MAINTENANCE PLAN – maintenance records are being kept in a known set location for each SCM and are available for review.	Y or N	
G. DESIGNER'S CERTIFICATION FORM – has been provided to the Division.	Y or N	

Note 1- Acceptable records include ARC approvals, as-built surveys, and county tax records.

Provide an explanation for every requirement that was not met, and for every "N/A" below. Attach additional sheets as needed.

AS-BUILT DESIGNER'S CERTIFICATION GENERAL MDC

I hereby state that I am a licensed professional and I certify by my signature and seal below, that I have observed the construction of the project named above to the best of my abilities with all due care and diligence, and that the project meets the below listed General MDC found in NCAC 02H.1050 in accordance with the permit documents, plans and specifications on file with or provided to the Division, except as noted on the "AS-BUILT" drawings, such that the intent of the stormwater rules and statutes has been preserved.

- ☐ Check here if this is a partial certification. Section/phase/SCM #? _____
- ☐ Check here if this is a part of a Fast-Track As-Built Package Submittal per .1044(3).
- ☐ Check here if the designer did not observe the construction, but is certifying the project.
- ☐ Check here if pictures of the SCM are provided.

Printed

Name _____ Signature _____

NC Registration

Number _____ Date _____

SEAL:

Consultant's Mailing Address:

City/State/ZIP _____

Phone Number _____

Consultant's Email address:

- ① Circle N if the as-built value differs from the Plan. If N is circled, provide an explanation on Page 2.
②N/E = not evaluated (provide explanation on page 2) ③N/A = not applicable to this SCM or project.

Consultant's Certification NCAC .1003((3) & General MDC .1050	①As-built	②N/E	③N/A
A. TREATMENT REQUIREMENTS			
1. The SCM achieves runoff treatment.	Y or N		
2. The SCM achieves runoff volume match.	Y or N		
3. Runoff from offsite areas and/or existing BUA is bypassed.	Y or N		
4. Runoff from offsite areas and/or existing BUA is directed into the permitted SCM and is accounted for at the full build-out potential.	Y or N		
5. The project controls runoff through an offsite permitted SCM that meets the requirements of the MDC.	Y or N		
6. The net area of new BUA increase for an existing project has been accounted for at the appropriate design storm level.	Y or N		
7. The SCM(s) meets all the specific minimum design criteria.	Y or N		
B. VEGETATED SETBACKS / BUA			
1. The width of the vegetated setback has been measured from the normal pool of impounded waters, the MHW line of tidal waters, or the top of bank of each side of rivers or streams.	Y or N		
2. The vegetated setback is maintained in grass or other vegetation.	Y or N		
3. BUA that meets the requirements of NCGS 143-214.7 (b2)(2) is located in the setback.	Y or N		

4. BUA that does not meet the requirements of NCGS 143-214.7 (b2)(2) is located within the setback and is limited to: a. Publicly funded linear projects (road, greenway sidewalk) b. Water-dependent structures c. Minimal footprint uses (utility poles, signs, security lighting and appurtenances)	Y or N		
5. Stormwater that is not treated in an SCM is released at the edge of the setback and allowed to flow through the setback as dispersed flow.	Y or N		
	①As-built	②N/E	③N/A
C. STORMWATER OUTLETS – the outlet handles the peak flow from the 10 year storm with no downslope erosion.	Y or N		
D. VARIATIONS			
1. A variation (alternative) from the stormwater rule provisions has been implemented.	Y or N		
2. The variation provides equal or better stormwater control and equal or better protection of surface waters.	Y or N		
E. COMPLIANCE WITH OTHER REGULATORY PROGRAMS has been met.	Y or N		
F. SIZING -the volume of the SCM takes the runoff from all surfaces into account and is sufficient to handle the required storm depth.	Y or N		
G. CONTAMINATED SOILS – infiltrating SCM's are not located in or on areas with contaminated soils.	Y or N		
H. SIDE SLOPES			
1. Vegetated side slopes are no steeper than 3H:1V.	Y or N		
2. Side slopes include retaining walls, gabion walls, or other surfaces that are steeper than 3H:1V.	Y or N		
3. Vegetated side slopes are steeper than 3H:1V (provide supporting documents for soils and vegetation).	Y or N		
I. EROSION PROTECTION			
1. The inlets do not cause erosion in the SCM.	Y or N		
2. The outlet does not cause erosion downslope of the discharge point during the peak flow from the 10 year storm.	Y or N		
J. EXCESS FLOWS – An overflow / bypass has been provided.	Y or N		
K. DEWATERING – A method to drawdown standing water has been provided to facilitate maintenance and inspection.	Y or N		
L. CLEANOUT AFTER CONSTRUCTION – the SCM has been cleaned out and converted to its approved design state.	Y or N		
M. MAINTENANCE ACCESS			
1. The SCM is accessible for maintenance and repair.	Y or N		
2. The access does not include lateral or incline slopes >3:1.	Y or N		
N. DESIGNER QUALIFICATIONS (FAST-TRACK PERMIT) – The designer is licensed under Chapters 89A, 89C, 89E, or 89F of the General Statutes.	Y or N		

Provide an explanation for every MDC that was not met, and for every item marked "N/A" or "N/E", below. Attach additional pages as needed:

AS-BUILT DESIGNER'S CERTIFICATION FOR ADS BAYFILTER PROJECT

I hereby state that I am a licensed professional and I certify by my signature and seal below, that I have observed the construction of the project named above to the best of my abilities with all due care and diligence, and that the project meets the requirements of NCAC 02H.1050(15), has been approved by the Division under the New Stormwater Technology MDC, meets the recommended MDC listed in Chapter D-4 of the Stormwater Design Manual, and has been constructed in accordance with the permit documents, plans and specifications on file with and provided to the Division, except as noted on the "AS-BUILT" drawings, such that the intent of the stormwater rules and the general statutes has been preserved.

- ☐ Check here if this is a partial certification. Section/phase/SCM #? _____
- ☐ Check here if this is part of a Fast-Track As-Built Package Submittal per .1044(3).
- ☐ Check here if the Designer did not observe the construction, but is certifying the project.
- ☐ Check here if pictures of the SCM are provided.

Printed Name _____ Signature _____

NC Registration Number _____ Date _____

SEAL:

Consultant's Mailing Address:

City/State/ZIP _____

Phone Number _____

Consultant's Email address:

① Circle N if the as-built value differs from the Plan/permit. If N is circled, provide an explanation on page 2

②N/E = not evaluated (provide explanation on page 2) ③N/A = not applicable to this project or SCM.

This Certification must be completed in conjunction with the General MDC certification under NCAC 02H.1050

Consultant's Certification MDC .1050(15)	①As-built	②N/E	③N/A
A. Inlets / Pretreatment			
1. Inlets are located per the approved plans.	Y or N		
2. A minimum 4' diameter by 2' deep sump is provided.	Y or N		
B. Volume / Elevations / Construction			
1. The provided width, length and height of the detention area, including the piped storage, are consistent with the approved plan.	Y or N		
2. The bottom elevation of the detention area is consistent with the approved plans.	Y or N		
3. The bypass elevation is consistent with the approved plan.	Y or N		
4. The overflow elevation is consistent with the approved plan.	Y or N		
5. The volume of water stored in the detention area is at least 0.75 times the treatment volume.	Y or N		
C. BayFilter Media and System			
1. The as-built system meets the manufacturers specifications.	Y or N		
2. The number of cartridges provided is consistent with the approved plans.	Y or N		
3. The BayFilter EMC media cartridge size is consistent with the approved plans and specifications.	Y or N		
4. For metals removal applications, cartridges containing the granular activated carbon (GAC) media have been used.	Y or N		
5. The BayFilter Media has a flow rate of 0.5 GPM/ft ² of media surface.	Y or N		

Provide an explanation for every MDC that was not met, or for every deviation from the permitted condition below. Attach additional pages as needed:

Attachment C - Permitting History

North Carolina State Ports Authority - South Gate Complex Upgrades

Permit No. SW8 121202

Approval Date	Permit Action	BIMS Version	Description of the Changes
12/7/2012	Original Approval	1.0	This project was originally granted a redevelopment exclusion for 524,681 square feet of proposed BUA not to exceed the 539,200 square feet of existing BUA.
7/16/2020	Major Modification	1.1	This modification expands and redesigns the previously approved redevelopment exclusion to include a total of 1,950,039 square feet of BUA. Of the 1,950,039 square feet of BUA, 1,835,412 square feet is existing BUA draining to existing infrastructure and 114,627 square feet is being collected and treated by a proposed ADS BayFilter system.



**Planning, Development and
Transportation**

Zoning Administration
305 Chestnut Street
PO Box 1810
Wilmington, NC 28402-1810

910 254-0900
910 341-7801 fax
www.wilmingtonnc.gov
Dial 711 TTY/Voice



February 18, 2021

Brian Clark, Executive Director
North Carolina State Port Authority
2202 Burnett Boulevard
Wilmington, NC 28401

**Ref: 3040 River Road
Case No: BADV-4-920**

Dear Mr. Clark:

On January 21, 2021, the City of Wilmington Board of Adjustment held a quasi-judicial hearing to consider your request for a variance to the requirement for street yard and parking lot landscaping for an expansion to the NC State Port Authority facility for property located at 3040 River Road.

A copy of the Order granting the variance outlining the Board's findings and conclusions is enclosed. Please call our office at 254-0900 if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Debra Cuevas", is written over a horizontal line.

Debra Cuevas
Administrative Support Specialist

Enc.

Cc: Melissa Huffman, Asst. City Attorney
Kathryn Thurston, Zoning Administrator

STATE OF NORTH CAROLINA
COUNTY OF NEW HANOVER

CITY OF WILMINGTON
BOARD OF ADJUSTMENT
FILE NO.: BADV-4-920

ORDER GRANTING A VARIANCE

This matter came before the Wilmington Board of Adjustment (hereinafter “Board”) for a quasi-judicial hearing on January 21, 2021 to consider application number BADV-4-920 submitted by Brian Clark (hereinafter “Applicant”), for a variance to the requirement for street yard and parking lot landscaping for an expansion to the NC State Port facility for property located at 3040 River Road.

The Applicant was represented at the hearing by Mark Blake, Sr. Director, Engineering & Maintenance at NC Ports Authority. Assistant City Attorney Melissa Huffman advised the Board.

This meeting was properly noticed and scheduled for hearing before the Board on January 21, 2021 and all people speaking at the hearing were duly sworn.

The Board having heard the evidence and considered the arguments and summaries presented, makes the following:

FINDINGS OF FACT

1. The subject property is part of an area annexed into the Wilmington City Limits effective April 27, 1982 and is zoned Industrial (IND).
2. The subject property consists of approximately 43 acres within the larger 284-acre Port facility and is zoned Industrial (IND).
3. The subject property is part of the industrial seaport operated by the North Carolina State Port Authority, a political subdivision of the state of North Carolina, and is a use permitted by right in the IND District.
4. Pursuant to NCGS § 160D-913, “All local government zoning regulations are applicable to the erection, construction, and use of buildings by the State of North Carolina and its political subdivisions.”
5. On October 23, 2019, the Applicant submitted plans to construct two new buildings, a two-story control building containing approximately 8,165 square feet and a one-story guard building containing 555 square feet.
6. On November 7, 2019, the Wilmington Technical Review Committee reviewed the proposed project and offered comments that the proposed new construction will require a 25-foot street yard along Burnette Boulevard and interior lot landscaping per Land Development Code sections 18-477(d), 18-481, 18-482, and 18-483 (See attachment 4 for TRC comments).
7. In addition to seeking a variance to the landscaping requirements, the Applicant’s proposal is to remove approximately 500 linear feet of existing street yard to install a drive aisle and parking along the Burnette Boulevard property line.

8. Under current City Code and NCGS, the State Port is not exempt from the City's landscaping requirements.
9. In October of 2014, representatives of the NC State Port Authority (NCSPA) submitted a request for an amendment to the Land Development Code to exempt the entire 284-acre port use from several zoning requirements, including landscaping.
10. This item was considered at the February 3, 2015 City Council meeting and, following a discussion on the impact to the surrounding properties, was continued to allow the NC Port time to meet with interested parties to discuss the proposal.
11. At the request of City Council, NCSPA officials held a meeting with approximately 25 Sunset Park residents on February 10, 2015. Following that meeting, a request was made by the NCSPA staff to narrow the scope of the amendment to a smaller area within the secured and fenced area of the port, to limit the impact of the industrial use on the surrounding area.
12. The suggested modification to Section 18-3 limited the scope of the proposed exemptions to the fenced and secured perimeter of the port in an area located 800 feet west of the mainline of the railroad track and south of Maritime Road, in an area largely invisible except from within the port facility.
13. On March 3, 2015, City Council approved the revised amendment to exempt a portion of the NC State Port property from several City zoning requirements, including landscaping as set forth in Article 7. (See attachment 5)
14. The approved amendment did not exempt the subject property from zoning requirements.
15. On July 22, 2020, City Staff accepted the application from the NC State Port Authority requesting variances to the following landscaping requirements that were not subject to the exemption approved as part of that text amendment:
 - 25-foot street yard
 - Interior lot landscaping
16. This matter was set for hearing before the Board on October 15, 2020.
17. Following a presentation by staff and the applicant at that hearing, the Board directed the applicant to work with City Staff on a revised proposal that would address concerns with the aesthetics and safety.
18. This case was set for hearing before the Board on November 19, 2020 and was continued at the request of the Applicant due to having only four (4) Board Members present and the requirement of a four-fifths vote for unanimous approval.
19. This matter was set for hearing at the Board's meeting on December 17, 2020 and continued at the request of the City.
20. At the January 21, 2021 meeting, the applicant presented a proposal for an 8-foot tall solid fence along River Road with low landscaping between the fence and the River Road right-of-way and entered illustrations of same into the record.
21. The applicant testified that the Department of Homeland Security requires a 10-foot area clear of vegetation between the fence and any required landscaping to prevent potential security breaches by people using the vegetation to climb over the fence.

CONCLUSIONS

Based upon the foregoing findings of fact, the Board concludes that the applicant is entitled a variance as required by North Carolina General Statutes §160D-705 and City Code Chapter 18, Land Development Code, Section 18-29 Powers and Duties:

1. Unnecessary hardship would result from the strict application of the ordinance, as much of the port facility is not visible from the public vehicular right-of-way and that portion that is visible is subject to vision clearance standards by the Department of Homeland Security.
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. The port facility is necessarily situated along the Riverfront and does not have the option of relocating to a site that could better accommodate required landscaping.
3. The hardship did not result from actions taken by the Applicants or the property owner. The use of the property as a seaport is a historic use of the property around which the surrounding community was built.
4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved, as the proposed fence will screen the property from the right-of-way and the vegetation will improve the aesthetics of the subject property.

THEREFORE, IT IS ORDERED that a variance to the requirement for street yard and parking lot landscaping for an expansion to the NC Port facility located at 3040 River Road be granted with the condition that exterior landscaping be installed between the 8-foot tall solid black aluminum fence with 7-foot privacy slats, and River Road.

SIGNED this 18th day of February, 2021.



Jack C. Morgan, Chairman



Debra Cuevas
Administrative Support Specialist

ATTEST:

A handwritten signature in black ink, appearing to read 'K. Thurston', written over a horizontal line.

Kathryn Thurston,
Zoning Administrator

Date Order Filed with Planning Office/Development Center: 2.19.2021

Date Order Emailed/Mailed: 2.19.2021

ATTACHMENT

5

Ordinance



City Council
City of Wilmington
North Carolina

C-2015-21

Introduced By: Sterling B. Cheatham, City Manager

Date: 2/3/2015

**Ordinance Amending The Land Development Code Chapter 18, Article 1, Section 18-3,
Jurisdiction and Article 14. Public Infrastructure Exempting The Erection,
Construction And Use of Buildings Within The Fenced And Secured Perimeter Of The
NC Port Authority's State Port Property From Specific Provisions Of The Land
Development Code (LDC-13-115)**

LEGISLATIVE INTENT/PURPOSE:

WHEREAS, NCGS Section 160A-385 authorizes local governments to amend ordinances regulating land use within their jurisdiction; and

WHEREAS, the amendment set out below is made in accordance with NCGS Section 160A-364 and Article 3, Section 18-117 of the Land Development Code; and

WHEREAS, the amendment set out below is intended to promote the public health, safety, and welfare by amending the Land Development Code to exempt the erection, construction and use of buildings and land within the fenced and secured perimeter of the NC Port Authority's State Port property from some provisions of the Land Development Code.

THEREFORE, BE IT ORDAINED:

SECTION 1: Chapter 18, Article 1, Section 18-3 of the Land Development Code is hereby amended to add a new paragraph (c) to read as follows:

(c) Notwithstanding any other provision in the Code to the contrary, the provisions of articles 4, 7, 8 (except for Division VII Buffer Yards), 9, 10, 11, and 12 of this chapter shall not apply to the erection, construction, or use of buildings within the fenced and secured perimeter of the North Carolina State Port Authority's Port of Wilmington in an area located 800 feet west of the mainline of the railroad track and south of Maritime Road; provided, however, the erection, construction, and use of buildings and land at the Port of Wilmington must comply with all applicable State requirements.

SECTION 2: Chapter 18, Article 14, Section 18-750 of the Land Development Code is hereby amended to read as follows:

CERTIFIED TO BE A TRUE COPY.
City Clerk
Tina Spivey - Spivey

Sec. 18-750. Stormwater management measures within the NC State Ports area and the CBD and RFMU districts.

In the NC State Port area and the CBD and RFMU districts, stormwater management plans must include on-site measures that meet the performance standards of this section.

- (a) The following water quality performance standards must be met with use of approved best management practices (BMPs).
 - (1) The project shall control and treat the run-off from the first one-and-one-half (1 ½) inches of rain, or.
 - (2) The project shall control and treat the difference in stormwater run-off between the pre-development and post-development conditions for the one (1) year, twenty-four (24) hour storm, whichever is greater.
- (b) The following is a list of BMPs deemed approved if designed and constructed according to the Technical Standards and Specifications Manual, the NC DENR BMP manual or the New Hanover County - Wilmington LID Guidance Manual, whichever is more stringent:
 - (1) Vegetative roof cover
 - (2) Permeable pavement
 - (3) Infiltration devices
 - (4) Bioretention devices
 - (5) Other devices in the City Technical Standards and Specifications Manual, NC BMP Manual, and New Hanover County - Wilmington LID Guidance Manual
- (c) The following BMPs may be considered on a case-by-case basis as approved by the City Manager:
 - (1) Proprietary devices with design flow rates that have been approved for use by the City Engineer on a case-by-case basis to meet water quality standards; and
 - (2) Cisterns with demonstrated capacity and use-assurance to meet requirements.
- (d) *Redevelopment projects exempt.* Redevelopment projects in the NC State Port area and the CBD and RFMU districts that meet all of the following criteria are exempt from the provisions of this section:

- (1) The redevelopment creates no net increase in total site impervious surface area over existing site conditions;
 - (2) The proposed redevelopment provides stormwater controls that are equal or better than the previous development; and
 - (3) A site plan application for the redevelopment project has been accepted as complete within twelve (12) months of the issuance of any demolition permit for existing structures on the site and an approved site plan is received within twelve (12) months. The City manager may grant an extension of ninety (90) days to receive an approved permit if substantial progress has been made. If a site plan is substantially changed subsequent to the expiration of twelve (12) months from demolition permit issuance, the site plan will be reviewed as a new development application.
- (e) Redevelopment projects in the CBD and RFMU districts that are part of a larger common plan of development that has previously been permitted as meeting the criteria above for redevelopment shall also be exempt from the provisions of this section.
- (f) *Other considerations.* This section does not apply to projects for which a stormwater permit has been issued prior to the adoption of this ordinance (September 1, 2009). No waivers shall be made retroactive to the effective date of this section. No refunds shall be considered for fees assessed prior to the effective date of this section.

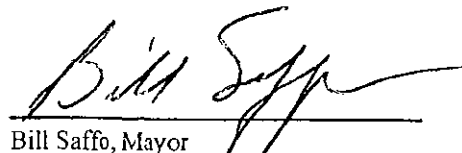
SECTION 3: That any person violating the provisions of this ordinance shall be subject to the penalties set forth in Section 18-52 of the Land Development Code.

SECTION 4: That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 5: That if any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION 6: That this ordinance shall be effective immediately upon its adoption.

Adopted at a regular meeting
on March 3, 2015


Bill Saffo, Mayor

Attest:

Penelope Spicer-Sidbury

Penelope Spicer-Sidbury, City Clerk



Approved As To Form:

William C. Spencer

City Attorney

