

Appendix C: Community Capability Assessment - Ayden

A. Introduction

This section of the Plan is a detailed assessment of the Town of Ayden's capacity as a local governmental unit to mitigate the impacts of the natural hazards that were identified and analyzed in Appendix A. This assessment includes an examination of the following local government capabilities:

1. Institutional – A review of Town departments that have direct and indirect responsibility for hazard mitigation activities.
2. Policies, Programs and Ordinances - An examination and evaluation of existing plans, policies, and ordinances that either increase or decrease local vulnerability to natural hazards.
3. Legal – A review of State granted powers – regulation, acquisition, taxation and spending - that can be employed by local governments to further hazard mitigation efforts.
4. Fiscal – An examination of the Town's use of local operating budget and capital improvement program funds to mitigate the effects of hazards.
5. Technical – A review of the Town's ability to employ technical equipment and software programs to enhance mitigation activities.
6. Political Climate – A description of local political will and commitment to implementing hazard mitigation activities.

B. Institutional Capability

The Town of Ayden is a local government body with a council-manager form of government. The elected Town Board is the decision making body for the Town. A Town Planning Board serve as an advisory panel to the Town Board on specific matters, including planning and land use. The Town employs professional staff to carry out day-to-day administrative activities.

Departments and Agencies with Direct/Indirect Impact on Hazard Mitigation

Table C-1: Departments with Direct Impact on Hazard Mitigation

Department/Agency	Impact	Function
Attorney	Indirect	The town attorney is responsible for providing counsel to the Town Board and town employees regarding legal issues.
Fire Department	Direct	The volunteer fire department provides the community with fire fighting and fire suppression services during emergencies and also provides education in fire safety.
Planning Department / Assistant Town Manager	Direct	The Ayden Planning Department is responsible for administering land use regulations throughout the town's extra-territorial jurisdiction.
Police	Direct	Police are responsible for enforcing NC State laws as well as ensuring the safety of all residents within the Town of Ayden.
Public Works	Direct	Public works is responsible for maintaining public water and sewer utility services.
Town Clerk	Indirect	The town clerk gives notice of Town Board meetings, prepares the agenda and records proceedings. The clerk is custodian of all permanent Town records and keeps track of appointments and terms for boards and commissions.
Town Manager	Direct	The town manager is responsible for implementing town polices and regulations and overseeing day-to-day activities

Source: Town of Ayden

Other Departments/Agencies

Pitt County Public School System

The Pitt County Public School System provides public educational programming and facilities. The school system is responsible for constructing and maintaining schools facilities. When selecting new school sites, the school system considers environmental factors that would impact the development potential of each site under consideration.

NC Department of Transportation (NCDOT)

The NC Department of Transportation is responsible for construction and maintenance of state-owned roads and highways, including the construction and of stormwater drainage systems. Sizing and maintenance of stormwater drainage systems can have an impact on hazard mitigation. If inadequately sized structural elements, e.g., piping, channels, etc., cannot handle stormwater runoff, then upstream flooding will occur. Lack of maintenance especially due to insufficient resources (staff and equipment) can also increase the likelihood of system failure and stormwater damage to system elements, e.g., culverts, during flooding.

C. Existing Polices, Programs and Ordinances

The Town of Ayden has the statutory authority to plan for growth and development including the power to make studies of the Town, to determine growth objectives, to prepare and adopt plans for achieving those objectives and to develop policies, ordinances and the administrative means to implement plans. The Town Board has created and appointed a Planning Board to serve as an advisory body on planning matters.

Local government enabling legislation requires that zoning regulations, when adopted by a municipality, be made in accordance with a comprehensive land use plan. The existence of a comprehensive plan ensures that town boards and staff are developing regulations and ordinances that are consistent with the overall goals of the community.

The Town of Ayden has used its legislated regulatory power to adopt and implement policies, programs, and ordinances that regulate land use and development. These policies and regulations help mitigate potential harmful effects of natural hazards.

Each Town policy, ordinance or regulation has a unique and varying impact on hazard mitigation. Although policies and ordinances may have not been created specifically for hazard mitigation purposes, they have been and can be utilized to implement hazard mitigation initiatives. Existing Town policies and ordinances include:

- Comprehensive Land Use Plan
- Zoning Ordinance
- Subdivision Ordinance
- Pitt County Flood Damage Prevention Ordinance
- Pitt County Addressing Ordinance
- Pitt County Building Code Enforcement
- Noise Ordinance
- Sewer Use Ordinance

Comprehensive Land Use Plan

The Town of Ayden adopted a Comprehensive Plan in 1996 and amended the Plan to update the Future Land Use Plan component in 2004 and 2009. The purpose of the land use plan is to provide guidance and direction to the public, Planning Board and Board of Commissioners on the future use of land within the town limits and ETJ. The Land Use Plan is intended to be the community's vision of land use and land development within the town's planning jurisdiction which includes both the Ayden incorporated area and the town's extraterritorial planning area.

The Land Use Plan establishes eight land use classifications. These land use classifications are for proposed land use within the current corporate limits as well as the ETJ. The nine classifications are listed as follows:

Table C-2: Future Land Use Classifications

Land Use	Description
Conservation / Open Space	The Conservation / Open Space classification includes floodplains and other environmentally sensitive areas to be kept free of development. The classification also includes open spaces associated with developments that are to be permanently preserved in a natural state. The Zoning District typically associated with this classification is CON.
Low Density Residential	The Low Density Residential classification includes primarily single-family residences and agricultural land uses. This classification is located mostly in the town's ETJ, where a lack of municipal services leads to minimal development pressure. This classification will serve as a holding area for agricultural uses and future development. The Zoning Districts typically associated with this classification include RA-20 and RA-20A.
Medium Density Residential	The Medium Density Residential classification includes primarily single-family residences. This classification is located mostly in the town's municipal limits where services such as municipal water and sanitary sewer are available. The Zoning Districts typically associated with this classification include R-12, R-10 and R-8.
High Density Residential	The High Density Residential classification includes a diversity of single-family residences, duplexes, and multi-family dwellings. This classification is located mostly in the town's municipal limits where services such as municipal water and sanitary sewer are available. The classification typically has the ability to generate large volumes of traffic, thus proximity to major thoroughfares is a distinguishing characteristic in this classification. The Zoning Districts typically associated with this classification include MF and R-6.
Downtown	The Downtown classification includes a mixture of governmental and private offices, institutional uses, professional services, personal and business services, and retail. Generally, land uses which require large amounts of land area are not included within the Downtown classification. The Zoning District typically associated with this classification is B-1.
Mixed-Use	The Mixed-Use classification includes a wide range of commercial, office and institutional and residential uses. The classification is intended for relatively large tracts of land located near a significant intersection or interchange and should be oriented to provide a land use transition from commercial areas to residential areas.
Commercial	The Commercial classification includes lands currently used for intensive retail, wholesale; and large commercial service-oriented businesses, as well as, lands that are anticipated for such purposes in future years. This classification is intended for land uses that generate large volumes of vehicular traffic; therefore, proximity to major thoroughfares is a distinguishing characteristic in this classification. Due to the nature of some businesses within this classification, large amounts of land may be used for structures, parking lots, and buffers. Adequate streets and the availability of water and sewer services are necessary to support the uses within this classification. The Zoning Districts typically associated with this classification are B-2 and O&I.
Industrial	The purpose of the industrial classification is to provide for a wide variety of land uses including but not limited to: general manufacturing, assembly, warehousing, chemical processing, and processing of raw materials. Planned industrial parks as well as free-standing manufacturing establishments are included within the industrial classification. Also included in this classification are land areas that are currently used for industrial purposes, as well as, areas where future industrial land use is anticipated. Adequate streets and the availability of water and sewer services are necessary to support the uses within this classification. The Zoning Districts typically associated with this classification are LI and HI.

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Zoning Ordinance

The Town of Ayden has adopted a Zoning Ordinance. The purpose of this ordinance is to regulate and control the development of land within the corporate limits and extraterritorial jurisdiction of the Town of Ayden, North Carolina, in order to promote the health, safety, and general welfare of the community. The Zoning Ordinance establishes districts to regulate the development of specific areas within the planning jurisdiction of the Town of Ayden as shown in Table C-2.

Table C-3: Zoning Districts

District	Function
RA-20 - Residential/ Agricultural District	The primary purposes of this district are agriculture and low density residential development on lots with a minimum size of 20,000 square feet, and further to provide for certain other permitted and conditional uses as set forth in this section. This district is intended to ensure that residential development not having access to a public water system and dependent on septic systems for sewage disposal will occur at a low density to provide a healthful environment.
RA-20A - Residential (Manufactured)/ Agricultural District	The primary purposes of this district are agriculture and low density double-wide manufactured residential development on lots with a minimum size of 20,000 square feet, and further to provide for certain other permitted and conditional uses as set forth herein. This district is intended to ensure that double-wide manufactured residential development, not having access to a public water system and dependent on septic systems for sewage disposal, will occur at a low density to provide a healthful environment.
R-12 - Residential District	The primary purpose of this district is to provide for single-family residential development on lots with a minimum size of 12,000 square feet in neighborhoods which receive all of the customary urban services.
R-10 - Residential District	The primary purpose of this district is to provide for single-family residential development on lots with a minimum size of 10,000 square feet in neighborhoods which receive all of the customary urban services.
R-8 - Residential District	The primary purpose of this district is to provide for single-family development on lots with a minimum size of 8,000 square feet in neighborhoods which receive all of the customary urban services.
R-6 - SF Residential District	The primary purpose of this district is to provide for single-family development on lots with a minimum size of 6,000 square feet in neighborhoods which receive all of the customary urban services.
MF - Multi-Family District	A district designed to accommodate a variety of attached single-family dwellings up to a density of eleven (11) units per acre.
MH - Manufactured Housing	A district established to offer affordable housing alternatives and to ensure the orderly development of such establishments.
PUD - Planned Unit Development District	This district is defined as an area characterized by an orderly integration of residential development, open space land uses, and in some cases commercial development which conform to the design requirements contained herein. It permits the planning of a project and a calculation of densities over the entire development rather than on an individual lot-by-lot basis. This district is served by public water and sewer facilities. No PUD district shall be less than twenty-five (25) acres in area.
O/I - Office and Institutional District	The O/I District is defined as certain land uses with structures that provide office space for professional services and for certain institutional functions and residential accommodations, usually medium or high-density in nature. The district is normally small and may include older homes undergoing conversion. This district is usually situated between business and residential districts, and the regulations are designed to permit development of the permitted functions

District	Function
	and still protect and be compatible with nearby residential districts. O/I districts may serve as transitional zones between high intensity and low intensity land uses.
B-1 - Central Business District	The primary purpose of this district is to serve as the central commercial area of the Town of Ayden and to provide for the full range of retail, office, service and accessory uses customarily located in central business districts.
B-2 - Highway Commercial District	The primary purpose of this district is to accommodate those businesses that serve the traveling public, require large amounts of land for display and parking, and are oriented to the pedestrian shopper.
LI - Light Industrial District	The LI District is intended to provide for industrial and other uses which would not be inherently obnoxious and yield only very minimal noise, odor, smoke, light, vibration, dust, or the use of dangerous chemicals and/or materials. Adequate buffering between uses within the district and other bordering districts will be required. The array of permitted uses is limited to support the environmental protection of this district and the surrounding areas of Ayden.
HI - Heavy Industrial District	The HI District is defined as an area where most manufacturing establishments may be developed. This district is customarily located in proximity to railroad sidings and/or major thoroughfares. The purpose of this district is to provide for major industrial development and operation. Only uses which would not be inherently obnoxious and yield only reasonable levels of noise, odor, smoke, light, vibration, dust, or the use of dangerous chemicals and/or materials are allowed. Adequate buffering between uses within the district and other bordering districts will be required.
CON - Conservation District.	Areas of special public interest that should be placed in a zone protected from any development.
CCOL - Commercial Corridor Overlay District	The primary purpose of this overlay district is to promote community goals and objectives for character and aesthetics along key corridors within the Town of Ayden's Planning and Zoning Jurisdiction. More specifically, the intent is to promote commercial development that is compatible with surrounding areas; to minimize the negative impacts caused by strip commercial development, loading facilities, storage facilities, sign clutter and proliferation of access points; and to strengthen the quality of life by providing for a well designed built environment that contributes to the unique character of The Town of Ayden. The district will be used in conjunction with the Base Zoning District to ensure that development and redevelopment within this district meets this intent.

Source: Town of Ayden

Subdivision Ordinance

The Town of Ayden has adopted a Subdivision Ordinance. The purpose of this ordinance shall be to promote the health, safety and welfare of the people within the subdivision jurisdiction of the Town of Ayden and to provide for the orderly growth and efficient development of the Town. Specific provisions, contained within the Subdivision Ordinance, are designed to promote the beneficial development of the community, as well as provide the framework for elements of hazard mitigation.

Pitt County Flood Damage Prevention Ordinance

North Carolina General Statutes empower counties to regulate designated floodways for the purpose of controlling and minimizing the extent of floods by preventing obstructions which inhibit water flow and increase flood height and damage and other losses (both public and private) in flood hazard areas, and to promote the public health, safety and welfare of citizens of North Carolina in flood hazard areas. Following Hurricane Floyd, on recommendation from FEMA, the interpretation of elevation of lowest floor of a structure was expanded to include all mechanical systems, i.e., heating, ventilation and air conditioning systems, and electrical and plumbing systems.

The Flood Damage Prevention Ordinance (FDPO) regulates development within floodplains by providing for issuance of development permits for construction and for periodic inspections to ensure compliance with the permit. The ordinance also provides the authority to issue stop work orders until problems are resolved or corrective actions have been taken, and for revocation of permits in extreme cases. Pitt County enforces the FDPO within the Town of Ayden.

Pitt County Addressing Ordinance

The Pitt County Addressing Ordinance was established to ensure that emergency services could be dispatched quickly and accurately when needed. The ordinance provides for a logical addressing system that includes an official process by which roads are named and signed and property addresses are assigned. The ordinance also requires that addresses be displayed so each structure can be easily, legibly and uniquely identified from the road right-of-way. Pitt County provides addressing services for the all areas within the County with the exception of the City of Greenville. Through an interlocal agreement, Pitt County enforces the Addressing Ordinance within the Town of Ayden.

Pitt County Building Code Enforcement Ordinance

In 1981, Pitt County adopted a local building code enforcement ordinance that incorporated the North Carolina State Building Code. The ordinance provides that any revisions, amendments, or additions to the state code are automatically included in the Pitt County ordinance. Effective December 31, 2001 the State began using the International Building Code with North Carolina amendments.

The County enforces the building code within the unincorporated areas of the County and also has the authority to enforce the code in any municipality which requests by resolution that the County do so. Pitt County enforces the building code within the Town of Ayden.

Sewer Use Ordinance

The Town of Ayden adopted a Sewer Use Ordinance in 1994. The purpose of the ordinance was to unify requirements for direct and indirect contributors into the wastewater collection and treatment system for the Town of Ayden; in addition to complying with all applicable State and Federal laws, including the Clean Water Act and the General Pretreatment Regulations and provides authority for the Contentnea Metropolitan Sewerage District, of which the Town is a member. The ordinance establishes guidelines for all sewer-related activities in the town including but not limited to tap-ons and wastewater discharge.

Phase II Stormwater Ordinance

The Town of Ayden adopted a Phase II Stormwater Ordinance in 2008. The purpose of the ordinance is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-development stormwater runoff and non-point and point source

pollution associated with new development and redevelopment, as well as illicit discharges into municipal stormwater systems. It has been determined that proper management of construction-related and post-development stormwater runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety and general welfare, and protect water and aquatic resources.

Community Capability Assessment Summary

The overall assessment of Town of Ayden community capability to address hazard mitigation through existing policies and ordinances is summarized in Table C-3.

Incorporating Hazard Mitigation Requirements into Community Plans

No policies, programs or ordinances have been found to have the effect of hindering hazard mitigation; however, there are opportunities to make current policies more effective for mitigation. Existing policies and ordinances are regularly reviewed and considered for updates/revisions to meet changing community needs and to stay in compliance with State and Federal regulations.

The Town will create a process to incorporate requirements in the Hazard Mitigation Plan into existing community plans and ordinances. The Town Manager will be responsible for providing a copy of the Hazard Mitigation Plan to each Town department and for ensuring that the responsible department (see Table C-3) incorporates hazard mitigation goals, objectives and actions into plan updates and ordinance revisions to ensure that updates and revisions do not contribute to increased community vulnerability to natural hazards.

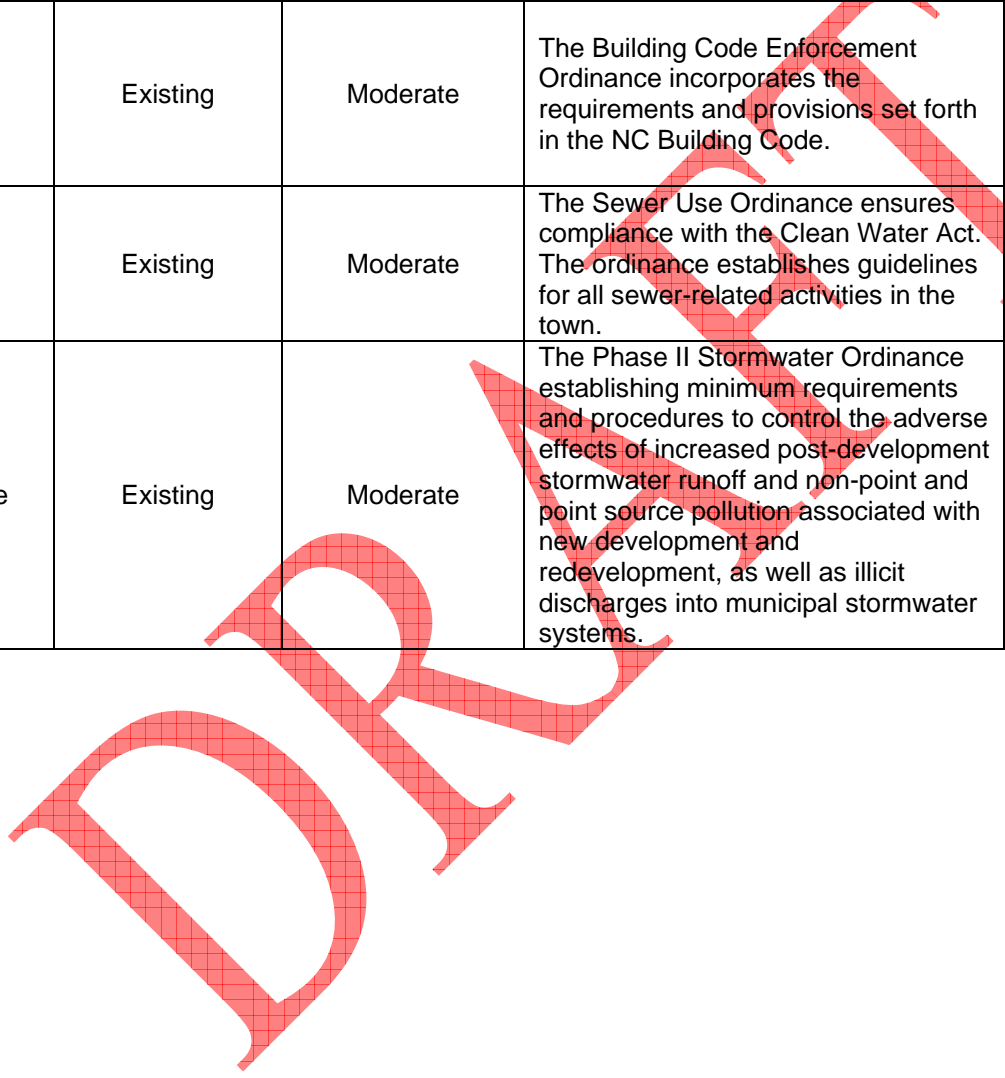
The specific departments, as noted in Table C-3, that are responsible for implementation, enforcement, and updates to community plans and ordinances will be charged with monitoring programs and regulations for opportunities to improve hazard mitigation actions. More specific information on recommendations for new or revised policies and programs is detailed in Section II. Mitigation Action Plan.

Table C-4: Community Capability Assessment – Town of Ayden

Policies and Programs	Policy/Program Status	Effectiveness for Mitigation	Rationale for Effectiveness	Recommendations for Incorporating Hazard Mitigation into Existing Plans and Mechanisms
Comprehensive Land Use Plan	Existing	High	The purpose of this plan is to promote an orderly and efficient land use development pattern, which allows for a variety of land uses and is sensitive to environmental and social concerns.	As the Land Use Plan is updated, revise goals and strategies to more specifically address hazard mitigation through environmental conservation, stormwater management, and flood damage prevention. The Town Manager is responsible for plan updates.
Zoning Ordinance	Existing	Moderate	The Zoning Ordinance regulates the height, number of stories, and size of buildings and other structures, the percentage of lots that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures, and land.	Continue to investigate ways to improve zoning standards to address issues that pertain to hazard mitigation, including limiting development in flood prone areas and zoning sensitive environmental areas for protection from development. The Town Manager is responsible for ordinance enforcement and revisions.
Subdivision Ordinance	Existing	Moderate	The Subdivision Ordinance provides for orderly growth and development by setting standards for street construction, interconnecting street systems, and for other improvements that ensure the appropriate design and layout of new development.	Continue to enforce and enhance subdivision standards, particularly in regards to stormwater management. The Town Manager is responsible for ordinance enforcement and revisions.
Pitt County Flood Damage Prevention Ordinance	Existing	High	The Flood Damage Prevention Ordinance regulates development within floodplains by providing for issuance of development permits for construction and for periodic inspections to ensure compliance.	Continue to enforce and enhance flood hazard control standards to reduce the exposure of the built environment and the population to the perils of natural hazards. Pitt County is responsible for enforcing and revising the FDPO.
Pitt County Addressing Ordinance	Existing	Moderate	The Addressing Ordinance was established to ensure that emergency services could be dispatched quickly and accurately when needed.	Continue to implement and enforce the ordinance to ensure that accurate addressing plays a key role in delivery of emergency services. Pitt County is responsible for enforcing and revising the Addressing Ordinance.

Policies and Programs	Policy/Program Status	Effectiveness for Mitigation	Rationale for Effectiveness	Recommendations for Incorporating Hazard Mitigation into Existing Plans and Mechanisms
Pitt County Building Code Enforcement Ordinance	Existing	Moderate	The Building Code Enforcement Ordinance incorporates the requirements and provisions set forth in the NC Building Code.	Continue to incorporate any revisions to the State Building Code into local code enforcement procedures and to vigorously enforce minimum building standards. Pitt County will continue to enforce and revise the NC State Building Code.
Sewer Use Ordinance	Existing	Moderate	The Sewer Use Ordinance ensures compliance with the Clean Water Act. The ordinance establishes guidelines for all sewer-related activities in the town.	This ordinance should be reviewed and possibly amended to increase control over public sewer services in flood hazard areas. The Town Manager is responsible for ordinance enforcement and revisions.
Phase II Stormwater Ordinance	Existing	Moderate	The Phase II Stormwater Ordinance establishing minimum requirements and procedures to control the adverse effects of increased post-development stormwater runoff and non-point and point source pollution associated with new development and redevelopment, as well as illicit discharges into municipal stormwater systems.	Continue to enforce and enhance stormwater standards to reduce the exposure of the built environment and the population to the perils of natural hazards. The town's Stormwater Administrator is responsible for enforcing and revising the Phase II Stormwater Ordinance with the guidance of the NC Division of Water Quality.

Source: Town of Ayden



D. Legal Capability

Local governments in North Carolina have a wide array of powers that enable counties and municipalities to adopt and implement policies and ordinances that may be used to mitigate the potential harmful effects of natural hazards. Below is a summary of the legal authority and powers that North Carolina has conferred on local governments within the state (*Local Hazard Mitigation Planning Manual*, NC Division of Emergency Management, 1998, Appendix B, pp. 61-64.) These powers fall into four broad categories: regulation, acquisition, taxation, and spending. The Town of Ayden has made limited use of these powers.

Regulation (General Police Power)

Local governments in North Carolina have been granted broad regulatory powers. North Carolina bestows the general police power on local governments, allowing them to enact and enforce ordinances which define, prohibit, regulate, or abate acts, omissions, or conditions detrimental to the health, safety, and welfare of the people and to define and abate nuisances (including public health nuisances). Since hazard mitigation can be included under the police power (as protection of public health, safety and welfare), towns, cities and counties may include requirements for hazard mitigation in local ordinances. Local governments may also use their ordinance-making power to abate “nuisances,” which could include, by local definition, any activity or condition making people or property more vulnerable to any hazard (NCGS 160A Art. 8 (Delegation and Exercise of the General Police Power to Cities and Towns); 153A, Art. 6 (Delegation and Exercise of the General Police Power to Counties)). To date, the Town of Ayden has not used general police powers to enact any specific hazard mitigation strategies.

Building Codes and Building Inspection

Many structural mitigation measures involve constructing and retrofitting homes, businesses and other structures according to standards designed to make the buildings more resilient to the impacts of natural hazards. Most of these standards are imposed through the building code.

North Carolina has a state compulsory building code, which applies throughout the state (NCGS 143-338(c)). However, municipalities and counties may adopt codes for their respective areas if approved by the state as providing “adequate minimum standards” (NCGS 143-338(e)). Local regulations cannot be less restrictive than the state code. Exempted from the state code are: public utility facilities other than buildings; liquefied petroleum gas and liquid fertilizer installations; and farm buildings outside municipal jurisdictions. No state permit may be required for structures under \$20,000. (Note that exemptions apply only to state, not local, permits).

Local governments in North Carolina are also empowered to carry out building inspections. NCGS 160A, Art. 19, Part 5; and 153A Art. 18, Part 4 empower cities and counties to create an inspection department, and enumerates department duties and responsibilities, which include enforcing state and local laws relating to the construction of buildings, installation of plumbing, electrical, heating systems, etc.; building maintenance; and other matters.

Town of Ayden

Through inter-local agreement, Pitt County enforces the State Building Code within the Town of Ayden planning jurisdiction.

Land Use

Land use regulatory powers granted by the state to local governments are the most basic manner in which a local government can control the use of land within its jurisdiction. Through various land use regulatory powers, a local government can control the amount, timing, density, quality and location of new development. All these characteristics of growth can determine the level of vulnerability of the community in the event of a natural hazard. Land use regulatory powers include the power to engage in planning, and to enact and enforce zoning ordinances, floodplain ordinances, and subdivision controls.

Each community possesses great power to prevent unsuitable development in hazard-prone areas. (NCGS 160A, Art. 8. (Delegation and Exercise of the General Police Powers to Cities and Towns); Art. 19 (Planning); Part 3 (Zoning); and 153A. Art. 6 (Delegation and Exercise of the General Police Power to Counties; Art. 18 (Planning and Regulation of Development); Part 2 (Subdivision Regulation); Part 3 (Zoning).

Planning

In order to exercise the regulatory powers conferred by the General Statutes, local governments in North Carolina are required to create or designate a planning agency (NCGS 160A-3 87). The planning agency may perform a number of duties, including: make studies of the area; determine objectives; prepare and adopt plans for achieving those objectives; develop and recommend policies, ordinances, and administrative means to implement plans; and perform other related duties (NCGS 160A-361).

The importance of the planning powers of local governments is emphasized in NCGS 160A-383, which requires that zoning regulations be made in accordance with a comprehensive plan. While the ordinance itself may provide evidence that zoning is being conducted “in accordance with a plan”, the existence of a separate planning document ensures that the government is developing regulations and ordinances that are consistent with the overall goals of the community.

Town of Ayden

The Town of Ayden adopted a Comprehensive Plan in 1996 and amended the Plan to update the Future Land Use Plan component in 2004 and 2009. The purpose of the land use plan is to provide guidance and direction to the public, Planning Board and Board of Commissioners on the future use of land within the town limits and ETJ.

Zoning

Zoning is the traditional and nearly universal tool available to local governments to control the use of land. Broad enabling authority for municipalities in North Carolina to engage in zoning is granted in NCGS 160A-381; and for counties in NCGS 153A-340. (Counties may also regulate inside a municipal jurisdiction at the request of a municipality (NCGS 160A-360(d)). The statutory purpose for the grant of power is to promote health, safety, morals or the general welfare of the community. Land uses controlled by zoning include the type of use (residential, commercial, industrial) as well as minimum specifications such as lot size, building height and set backs, density of population, etc.

Local governments are authorized to divide their territorial jurisdictions into districts, and to regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures or land within those districts (NCGS 160A-382). Districts may include general use districts, overlay districts, and special use or conditional use districts. Zoning ordinances consist of maps and written text.

Town of Ayden

The Town of Ayden has adopted a zoning ordinance that establishes zoning districts and minimal development regulations. The town enforces the zoning ordinance throughout the Town's planning jurisdiction.

Subdivision Regulations

Subdivision regulations control the division of land into parcels for the purpose of building development or sale. Flood-related subdivision controls typically require that subdividers install adequate drainage facilities and design water and sewer systems to minimize flood damage and contamination. Subdivision regulations prohibit the subdivision of land subject to flooding unless flood hazards are overcome through filling or other measures. Subdivision regulations are a more limited tool than zoning and only indirectly affect the type of use made of land or the minimum specifications for structures.

Broad subdivision control enabling authority for municipalities is granted in NCGS 160-371, and in 153-330 for counties outside of municipalities and municipal extraterritorial planning jurisdictions. Subdivision is defined as all divisions of a tract or parcel of land into two or more lots and all divisions involving a new street (NCGS 160A-376). The definition of subdivision does not include the division of land into parcels greater than 10 acres where no street right-of-way dedication is involved (NCGS 160A-376(2)).

Town of Ayden

The Town of Ayden has adopted subdivision regulations and enforces them throughout the Town's planning jurisdiction.

Floodplain Regulation

In the summer of 2000, the North Carolina General Assembly adopted an act entitled "An Act to Prevent Inappropriate Development in the One Hundred-Year Floodplain and to Reduce Flood Hazards". By this act, the North Carolina statutes regulating development within floodways were rewritten to include floodplain regulation (NCGS 143-314.51-214.61). The purpose of the new law is to:

1. Minimize the extent of floods by preventing obstructions that inhibit water flow and increase flood height and damage.
2. Prevent and minimize loss of life, injuries, property damage and other losses in flood hazard areas.
3. Promote the public health, safety and welfare of citizens of North Carolina in flood hazard areas.

The new statute authorizes local governments to adopt a flood hazard prevention ordinance to regulate uses in flood hazard areas and to grant permits for the use of flood hazard areas that are consistent with the requirements of the statute. The statute provides for certain uses within flood hazard areas without a permit consistent with local land use ordinances (NCGS 143-315.54).

The statute establishes minimum standards for local ordinances and provides for variances for prohibited uses as follows:

- (a) A flood hazard prevention ordinance adopted by a county or city pursuant to this Part shall, at a minimum:
 - (1) Meet the requirements for participation in the National Flood Insurance Program and of this section.
 - (2) Prohibit new solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities in the 100-year floodplain except as noted in section (b) below.
 - (3) Provide that a structure or tank for chemical or fuel storage incidental to a use that is allowed under this section or to the operation of a water treatment plant or wastewater treatment facility may be located in a 100-year floodplain only if the structure or tank is either elevated above base flood elevation or designed to be watertight with walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
- (b) A flood hazard prevention ordinance may include a procedure for granting variances for uses prohibited under G.S. 143-315.54(c). A county or city shall notify the Secretary (of Crime Control and Public Safety) of its intention to grant a variance at least 30 days prior to granting the variance. A county or city may grant a variance upon finding that all of the following apply:
 - (1) The use serves a critical need in the community.
 - (2) No feasible location exists for the location of the use outside the 100-year floodplain.
 - (3) The lowest floor of any structure is elevated above the base flood elevation or is designed to be watertight with walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
 - (4) The use complies with all other applicable laws and regulations.

The statute authorizes priority ratings for local government applications for revolving loans or grants based on adoption of a local comprehensive land use plan, a zoning ordinance, or other measures that significantly contribute to the implementation of the comprehensive land use plan and the flood hazard prevention ordinance.

The Floodplain Act also instructed the Environmental Review Commission to study and report its findings to the 2001 General Assembly on the need to:

- (1) Increase the minimum elevation requirement.
- (2) Increase the authority of the Secretary of Crime Control and Public Safety to enforce the new statute.
- (3) Increase protection against the potential recurrence of damage to public and private property that resulted from the hurricanes of 1999, and other measures to reduce the likelihood that public assistance will be needed in response to future hurricanes and other storm events.

Town of Ayden

Through interlocal agreement, Pitt County enforces the flood damage prevention ordinance within the Town of Ayden's planning jurisdiction.

Acquisition

The power of acquisition can be a useful tool for pursuing mitigation goals. Local governments may find the most effective method for completely "hazard-proofing" a particular piece of property is to acquire the property (either in fee simple or a lesser interest, such as an easement). Public acquisition removes the property from the private market and eliminates or reduces the possibility of inappropriate development. North Carolina legislation empowers cities and counties to acquire property for public purpose by gift, grant, devise, bequest, exchange, purchase, lease or eminent domain (NCGS 153A. Art. 8; 160A. Art. 11).

The Town of Ayden has not used local police power to acquire land for hazard mitigation purposes. Taking of private property for public purposes can be both extensive and controversial as land owners are often uncooperative. Funds for acquisition would have to come from local revenues which are almost always limited or from federal or state grants.

Taxation

The power to levy taxes and special assessments is an important tool delegated to local governments by North Carolina law. The power of taxation extends beyond merely the collection of revenue and can have a profound impact on the pattern of development in a community. Communities can set preferential tax rates for areas, which are unsuitable for development (e.g., agricultural land, wetlands, and floodplains) to discourage development in hazardous areas.

Because the usual methods of apportionment seem mechanical and arbitrary, and because the tax burden on a particular piece of property is often quite large, the major constraint in using special assessments is political. Special assessments seem to offer little in terms of control over land use in developing areas. Assessments can, however, be used to finance the provision of necessary services within city or county boundaries. In addition, they are useful in distributing to new property owners the costs of the infrastructure required by new development.

The Town of Ayden uses general revenues from primarily local property taxes as annual operating funds. The Town has not set any preferential tax rates for areas that are not suitable for development.

Spending

The fourth major power that has been delegated by the North Carolina General Assembly to local governments is the power to make expenditures in the public interest. Hazard mitigation principles should be made a routine part of all spending decisions made by a local government, including adoption of annual budgets and a capital improvement plan (CIP).

A CIP is a schedule for the provision of city or county services over a specified period of time. Capital programming, by itself, can be used as a growth management technique, with a view to hazard mitigation. By tentatively committing itself to a timetable for the provision of capital to extend services, a community can control growth to some extent especially in areas where the provision of on-site sewage disposal and water supply are unusually expensive.

In addition to formulating a timetable for the provision of services, a local community can regulate the extension of and access to services. A CIP that is coordinated with extension and access policies can provide a significant degree of control over the location and timing of growth. These tools can also influence the cost of growth. If the CIP is effective in directing growth away from environmentally sensitive or high hazard areas, for example, it can reduce public costs associated with degradation of the environment and damages to properties caused by natural hazards.

Town of Ayden

The town adopted a Water and Sewer CIP in October, 2007. It also adopted an Electric System CIP / Long Range Plan in July, 2008. These two documents contain both routine maintenance and long term infrastructure investment that will make the town's infrastructure less vulnerable to natural hazards.

E. Fiscal Capability

Beyond legal authority and political willpower, fiscal capability is a key component to effectively developing and implementing a hazard mitigation plan. In addition to local tax funds, non-profits and other non-governmental organizations are often interested in helping to implement hazard mitigation projects. Local governments can also apply for State and Federal funds to implement hazard mitigation initiatives. Appendix D lists state and federal sources for information and funding of hazard mitigation initiatives. The NC Emergency Management website at http://www.ncem.org/Mitigation/additional_funding.htm includes a more exhaustive list of over 300 state and federal funding sources.

In North Carolina, property taxes provide the primary source of revenue for municipalities. These taxes are typically used primarily to finance services that must be available and delivered on a daily basis, such as police and fire emergency services, solid waste collection and disposal, street maintenance, etc. and, leaving very little, if any, for additional services and projects. Fortunately, State and Federal funds are available to local governments for the development and implementation of hazard mitigation programs.

Ability to Pay

In recognition of the disparate economic prosperity of the State's one-hundred counties, the North Carolina Department of Commerce ranks counties in an economic tier system. The impetus for this system was the William S. Lee Quality Jobs and Business Expansion Act of 1996 (Lee Act) which provides for a sliding scale of state tax credits for economic investment. The Lee Act has become the State's main development tool in an effort to help smaller rural counties become more economically competitive. The tier ranking is also used by the State as a measure of an individual county's ability to pay when applying for state and federal grants.

The N.C. Department of Commerce annually ranks the state's 100 counties based on economic well-being and assigns each a Tier designation. The 40 most distressed counties are designated as Tier 1, the next 40 as Tier 2 and the 20 least distressed as Tier 3. The rankings are evaluated annually using these three factors – population growth, unemployment rate, and per capita income. The 2009 NC Department of Commerce ranking places Pitt County in Tier 2.

This Tier system is incorporated into various state programs, including the Article 3J Tax Credits, to encourage economic activity in the less prosperous areas of the state. Article 3J Tax Credits should not be confused with [Article 3A William S. Lee \(WSL\) Tax Credits](#). Article 3J is not a revision of the Lee Act; it replaces it. In general, William S. Lee Credits are repealed for business activities that occur on or after January 1, 2007 and Article 3J Credits take effect for taxable years beginning on or after January 1, 2007.

F. Technical Capability

Effective hazard mitigation initiatives depend largely on a community's technical capability. Many smaller governments in North Carolina have only limited technical capabilities due to size and budget restrictions and must depend on larger government units for technical assistance. However, the most valuable technological resource is the wealth of knowledge accumulated by the county and town staff members through years of experience.

The Town of Ayden depends largely on the assistance of Pitt County and the resources County staff provide for emergency management services, building inspections, code compliance, information management, and Geographic Information Systems mapping. These technical capabilities help build a more resilient community by better planning before the occurrence of a natural hazard, as well as by better response during the event and during the recovery period.

G. Political Climate The elected officials of the Town of Ayden are in agreement that implementation of the Hazard Mitigation Plan is necessary to minimize damages from natural hazards. The Town Board supports hazard mitigation planning to reduce future loss of life and property. Town Commissioners intend to support the hazard mitigation efforts while acknowledging the limited resources both monetarily and physically at the Town's disposal. The Town Board and town employees will continue to strive to make the Town of Ayden a safer community and see implementation of the Hazard Mitigation Plan as a means to help achieve that goal. The Town's elected officials are committed to not only pleasing and protecting current life and property, but that of future life and property.