

## **Appendix C: Community Capability Assessment - Winterville**

### **A. Introduction**

This section of the Plan is a detailed assessment of the Town of Winterville'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 Winterville is a local government body with a board-manager form of government. The elected Town Board is the decision making body for the Town. A Planning Board serves as an advisory panel to the Town Aldermen 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(a): Departments with Direct Impact on Hazard Mitigation**

Department/Agency	Impact	Function
Administration	Direct	The responsibility of this department is to carry out the day-to-day activities of the Town.
Electric	Direct	The responsibility of this department is to maintain the Town electric system to ensure quality electric service.
Fire Department	Direct	The responsibility of this department is to respond to fire related emergencies and promote fire education.
Planning	Direct	The responsibility of this department is to provide information and answer questions concerning issues such as zoning, setback requirements, and subdivision regulations, rezoning matters, property uses, annexations, thoroughfare plans, and other construction and development related issues.
Police Department	Direct	The responsibility of this department is to ensure the public safety as well as to enforce State and local laws.
Public Works	Direct	Responsibilities within this department include maintenance of all streets and ditches owned by the Town. The department is also in charge of the water & sewer systems.
Rescue Department	Direct	The responsibility of this department is to respond to emergencies involving medical assistance.

Source: Town of Winterville

**Table C-1(b): Departments with Indirect Impact on Hazard Mitigation**

Department/Agency	Impact	Function
Finance	Indirect	The responsibility of this department is to maintain all financial records and to prepare the budget.
Town Attorney	Indirect	The responsibility of this department is to provide the Town with legal counsel.
Town Clerk	Indirect	The responsibility of this department is to provide information for the Town Board and to be custodian of all Town records.
Recreation	Indirect	The responsibility of this department is to promote healthy lifestyles through exercise, as well as maintain all park activities.

Source: Town of Winterville

## **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 Winterville 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 Winterville 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:

- Land Development Plan
- Hazard Mitigation Plan
- Zoning Ordinance
- Subdivision Regulations
- Pitt County Flood Damage Prevention Ordinance
- Pitt County Soil Erosion and Sedimentation Control Ordinance
- Stormwater Drainage Ordinance
- Building Code Enforcement
- Design Standards Manual
- Pitt County Addressing Ordinance

### **Land Development Plan Update**

The Town of Winterville Land Development Plan was adopted on November 10, 1997. The Town is now in the process of updating the Plan with particular emphasis on a Horizon Land Use Map. The Horizon Land Use Map will attempt to identify the most appropriate land uses for the undeveloped properties within the jurisdiction. Identification of areas of special hazards can be illustrated on the mapping and decisions about appropriate land uses within such areas can be made with hazard mitigation as a primary concern.

### **Hazard Mitigation Plan**

The Town of Winterville adopted the Pitt County Hazard Mitigation Plan of 2002. The plan evaluates the potential impact of natural hazards that could occur in North Carolina and establishes strategies for limiting hazard vulnerabilities to protect people and property. The Town of Winterville established strategies that were specific to the vulnerability of the town. The following strategies from the initial plan have been implemented as listed in the 2002 Hazard Mitigation Plan as potential mitigation actions:

- All electric improvements have been completed;
- Updated the Horizon Land Use Plan in 2004;
- Switching stations are now enabled with emergency generators;
- Emergency generators are now part of the design standards manual for all sewer lift stations;
- All sewer lift stations now have pager dialing systems in place;
- Pager dialing systems are now part of the design standards manual for all sewer lift stations;
- The water line connection with Greenville Utilities was completed on Highway NC-11.
- Construction of a new Public Safety and Emergency Operations Center is projected for completion in August of 2004.

### **Zoning Ordinance**

The Town of Winterville adopted the current Zoning Ordinance on February 14, 2000. The Town will continue to administer the ordinance and update and amend the requirements as necessary and appropriate. The Town has established zoning districts as described in Table C-2.

**Table C-2: Town of Winterville Zoning Districts**

District	Function
Agricultural-Residential (A-R)	The Agricultural-Residential District is established as a district to promote a compatible mixture of low-density residential and agricultural uses where urban development is expected to occur. The purpose of this district is to maintain lots of sufficient size to insure that residential development dependent upon septic tank systems for sewage disposal and individual wells for water will occur at sufficiently low density to insure a healthful environment. The minimum lot size established for this district, however, doesn't not guarantee sufficient space for on-site water and/or sewer systems.
R-20 Residential District	The R-20 Residential District is a quiet, low-density neighborhood consisting of single-family residences along with limited home occupations and private and public community uses. The regulations of this district are intended to insure that residential development not having access to public water supplies and dependent upon septic tanks for sewerage disposal will occur at sufficiently lows densities to provide a healthful environment. The minimum lot size established for this district, however, doesn't not guarantee sufficient space for on-site water and/or sewer systems.
R-15 Residential District	The R-15 District is a quiet, low density neighborhood consisting of single family residences along with limited home occupations and private and public community uses.
R-10 Residential District	The R-10 Residential District is a quiet, medium-density neighborhood consisting of single-family residences along with limited home occupations and private and public community uses.
R-8 Residential District	The R-8 Residential District is a quiet, medium density neighborhood consisting of single-family residences along with limited home occupations and private and public community uses.
R-6 Residential District	The R-6 Residential District is a quiet, relatively high-density neighborhood consisting of single-family and two-family dwellings along with limited home occupations and private and public community uses.
MR – Multifamily Residential District	The MR – Multifamily Residential District is intended to provide quiet, relatively high-density neighborhood consisting of mostly apartment complexes and mobile home parks along with limited home occupations and private and public community uses.
Office and Intuitional (OI)	The Office and Intuitional District is a district in which the principal use of land is for residences, general business offices, and professional offices, and institutional types such as hospitals, and medical clinics which do not materially detract from the nearby residential areas.
Central Business District (CB)	The purpose of the Central Business District is to maintain and enhance a compact business area for the retailing of durable and convenience goods and personal services for the surrounding community.
General Business District (GB)	The purpose of the General Business District is to accommodate those businesses that serve the traveling public, require, large amounts of land for display and parking, and are not oriented to the pedestrian shopper.
Neighborhood Commercial District (CN)	The purpose of the Neighborhood Commercial District (CN) is to provide convenient shopping facilities consisting primarily of necessary goods and personal services required to serve a neighborhood.
Industrial District (I)	The Industrial District (I) is to provide and protect areas suited for industrial, warehousing, and storage sues which do not create an excessive amount of noise, smoke, dust, odor, or other objectionable characteristics which might be detrimental to the surrounding area.

Source: Town of Winterville.

### **Subdivision Regulations**

The Town of Winterville maintains and enforces a Subdivision Ordinance, last updated on February 14, 2000. The Town will continue to administer the ordinance and update and amend the requirements as necessary and appropriate. The purpose of this ordinance is to establish procedures and standards for the subdivision and development of real property within the corporate limits and extraterritorial jurisdiction (ETJ) of the Town of Winterville in an effort to protect the public health, safety, and general welfare and to:

- Promote the orderly growth and development;
- Provide for suitable residential and nonresidential Subdivisions with adequate Streets and utilities and appropriate building sites;
- Provide for distribution of population and traffic in a manner which shall avoid congestion and overcrowding;
- Provide for the coordination of streets within Subdivisions with existing or planned Streets and with other public facilities;
- Provide for the Dedication or Reservation of rights-of-way or Easements for Street and utility purposes;
- Provide for the Dedication or Reservation of adequate spaces for open space, public lands and buildings;
- Protect and enhance environmental quality;
- Provide for the Dedication or provision of facilities for adequate storm drainage;
- Provide proper land records for the convenience of the public and for better identification and permanent location of real property boundaries.

### **Pitt County Flood Damage Prevention Ordinance**

On November 13, 2001 the Winterville Board of Aldermen adopted the Pitt County Flood Damage Control Ordinance and entered into an interlocal agreement with the County for administration of the Ordinance within the planning jurisdiction. The ordinance and agreement became effective January 1, 2002.

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 with the permit. The Flood Damage Prevention 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.

The Flood Damage Prevention Ordinance requires a local permit prior to development work to ensure development will not aggravate the effects of flooding and that structures are flood damage resistant. Section 4-98 establishes that new construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated no lower than the base flood elevation. Following Hurricane Floyd, on recommendation from FEMA, the interpretation of elevation of the lowest floor was expanded to include all mechanical systems, i.e., heating, ventilation and air conditioning systems, and electrical and plumbing systems.

### **Pitt County Soil Erosion and Sedimentation Control**

On November 13, 2001 the Winterville Board of Aldermen adopted the Pitt County Soil Erosion and Sedimentation Control Ordinance and entered into an interlocal agreement with the County for administration of the Ordinance within the planning jurisdiction. The ordinance and agreement became effective January 1, 2002.

The purpose of soil erosion and sedimentation control is to regulate land-disturbing activities to control accelerated erosion and loss of sediment. The Soil Erosion and Sedimentation Control Ordinance contains mandatory standards for greater than one acre of disturbance. Controlling erosion and sedimentation reduces the loss of valuable topsoil and reduces the likelihood of water pollution and damage to watercourses. Although its intended purpose is not targeted at hazard mitigation, it does affect certain mitigation initiatives.

### **Stormwater Drainage Ordinance**

The Town of Winterville maintains and enforces a Stormwater Drainage Ordinance, originally adopted October 12, 1987. The Town will continue to administer this ordinance and update and amend the requirements as necessary and appropriate. This ordinance establishes provisions for installation of drainage systems for subdivision and/or re-subdivision of land.

### **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.

In 2001 the State began transitioning to the International Building Code in lieu of the Southern Building Code. During the 2001 calendar year, contractors were able to use either code, but the International Code with NC amendments has been effective since December 31, 2002.

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. By interlocal agreement, Pitt County enforces the building code within the Town of Winterville planning jurisdiction. The Winterville Planning Department reviews and approves site plans and issues Zoning Compliance Certificates as a prerequisite to making application to Pitt County for a building permit.

### **Design Standards Manual**

On November 13, 2001 the Winterville Board of Aldermen adopted a Design Standards Manual. This Manual provides minimum standards for the installation of required improvements for proposed land subdivisions and developments within the planning jurisdiction. Included within this manual are standards for construction of drainage systems including provisions requiring stormwater detention measures.

The Stormwater provisions require that no building structure or use of land for other than agricultural purposes be constructed on a lot or tract of land where the total impervious land cover, as proposed, shall exceed 20,000 square feet (excluding publicly accepted streets) until a drainage plan as it relates to the proposed use of the land has been approved. No drainage plan will be approved where the stormwater runoff will be increased by the proposed impervious cover for storms up to and including those expected to occur once in ten years unless adequate provisions are made to control the excess runoff so that the rate of stormwater runoff is equivalent to the rate of stormwater runoff prior to the installation of the impervious ground cover. Design and installation of all stormwater impoundment facilities must comply with

applicable Federal, State, and local laws. Attention should be given to the Pitt County Soil Erosion and Sedimentation Control Ordinance and the North Carolina Dam Safety Law of 1967.

### **Pitt County Addressing Ordinance**

The Pitt County Addressing Ordinance was established to ensure that emergency services could be dispatched quickly and accurately when needed. To ensure this purpose, 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 such that 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 Winterville.

### **Community Capability Assessment – Town of Winterville**

Table C-3 summarizes existing town policies/programs and rates these policies/programs for effectiveness for hazard mitigation. The last column of Table C-3 provides for incorporating the policy or program into hazard mitigation strategies.

### **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 Planning Director 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-3: Community Capability Assessment – Town of Winterville**

<b>Policies and Programs</b>	<b>Policy/Program Status</b>	<b>Effectiveness for Mitigation</b>	<b>Rationale for Effectiveness</b>	<b>Recommendations for Incorporating Hazard Mitigation into Existing Plans and Mechanisms</b>
Land Development Plan	Existing	Moderate	The plan outlines areas that have potential for growth and areas that need to be preserved for environmental protection.	At Plan update, the Town will consider more directly addressing the need to include policies for hazard mitigation. The Planning Department is the lead agency responsible for plan updates.
Hazard Mitigation Plan	Existing	High	The plan evaluates the potential impact of natural hazards that could occur in North Carolina and establishes strategies for limiting hazard vulnerabilities to protect people and property.	Expand the scope of the Plan to include new requirements. Update hazard mitigation strategies, annually review progress on strategies, and update the plan on a regular basis. The Planning Department is the lead agency responsible for plan updates.
Zoning Ordinance	Existing	Moderate	The purpose of the Zoning Ordinance is to promote the orderly growth and development of the Town through specified zoning districts.	Continue to enforce and enhance zoning regulations, particularly in regards to the protection of environmentally sensitive development that are not suitable for development. The Planning Department is responsible for enforcing and revising the ordinance.
Subdivision Regulations	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 Planning Department is responsible for enforcing and revising regulations.
Pitt County Flood Damage Prevention Ordinance	Existing	High	This ordinance regulates development within floodplains by providing for issuance of development permits for construction, and for periodic inspections to ensure compliance with the permit	Continue to enforce and enhance flood hazard control standards to reduce the exposure of the built environment and the population to flood hazards. The Pitt County Planning Department is responsible for enforcing and revising the ordinance.

	<b>Policy/Program Status</b>	<b>Effectiveness for Mitigation</b>	<b>Rationale for Effectiveness</b>	<b>Recommendations for Incorporating Hazard Mitigation into Existing Plans and Mechanisms</b>
Pitt County Soil Erosion and Sedimentation Control Ordinance	Existing	Moderate	This ordinance regulates land-disturbing activities to control accelerated erosion of soil and loss of sediment. Controlling erosion and sedimentation reduces the loss of valuable topsoil and reduces the likelihood of water pollution and damage to watercourses.	Continue to enforce and enhance soil erosion and sedimentation control standards that will reduce erosion and damage to the carrying capacity of area streams and rivers. The Pitt County Engineering Department is responsible for enforcing and revising the ordinance.
Stormwater Drainage Ordinance	Existing	Moderate	This ordinance establishes provisions for drainage systems for new subdivision and/or re-subdivision of land.	Continue to monitor and revise as necessary to ensure maximum provision for stormwater control. The Town Manager is responsible for enforcing and revising the ordinance.
Pitt County Building Code Enforcement Ordinance	Existing	High	This ordinance incorporates the requirements and provision 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. The Pitt County Engineering Department is responsible for enforcing and revising the ordinance.
Design Standards Manual	Existing	High	This manual provides minimum standards for the installation of required improvements for new land subdivision and development.	Continue to rigorously enforce and revise design standards, particularly in regards to stormwater control. The Town Manager is responsible for enforcing and revising the manual.
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. The Pitt County Planning Department is responsible for enforcing and revising the ordinance.

Source: Town of Winterville

#### **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 Winterville 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 Winterville 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 Winterville**

Through inter-local agreement, Pitt County enforces the State Building Code within the Town of Winterville 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 Winterville**

The Town of Winterville has a Planning Board that conducts studies, makes policy recommendations, develops ordinances, and makes zoning amendment and petition recommendations to the Town Board. At the next update, the scope of the plan needs to be expanded to more directly address hazard mitigation strategies. The Town has also adopted a Design Standards Manual that sets minimum standards for development with the Town of Winterville.

## **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.

The Town of Winterville has adopted (2000) a zoning ordinance that establishes zoning districts and minimal development regulations. The ordinance needs to be updated to more fully address development standards that would reduce stormwater runoff and the potential for flooding. The Town currently encompasses minimal flood hazard areas within the planning jurisdiction and potential for development in flood prone areas as development expands into the Town's ETJ.

#### **Town of Winterville**

The Town of Winterville enforces a zoning ordinance within the Town 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)).

The Town of Winterville Subdivision Regulations addresses the layout of streets, utilities, and building lots. The ordinance requires that stormwater drainage systems be developed in accordance with NC Department of Transportation standards. There are no other drainage or design standards that specifically deal with hazard mitigation.

#### **Town of Winterville**

The Town of Winterville enforces subdivision regulations within the Town 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 Winterville**

Through interlocal agreement, Pitt County enforces the Flood Damage Prevention Ordinance within the Town 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 Winterville 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 Winterville 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 Winterville**

The Town of Winterville does not currently have a CIP. However, development of a CIP under consideration, pending grant funding.

### **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](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 be 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 most economically distressed counties are ranked in Tier 1 and the most economically prosperous in Tier 5. The rankings are evaluated annually using three factors – population growth, unemployment rate, and per capita income. The 2004 NC Department of Commerce ranking places Pitt County in Tier 4.

### **F. Technical Capability – Staff Resources**

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 various staff members through their years of experience. The Town of Winterville depends largely on the assistance of Pitt County and the resources they provide such as building inspections, code compliance, information management, and Geographic Information Systems mapping of hazard areas (primarily floodplains). 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.

#### **Administration**

The responsibility of this department is to carry out the day-to-day activities of the Town of Winterville. This department consists of the Mayor, Town Manager, and Town Clerk.

#### **Electric**

The responsibility of this department is to maintain the Town electric system to ensure quality service. The department maintains 61 miles of overhead and underground electrical systems that service 1,957 customers. Along with meter reading, turn-ons, turn-offs, and read-ins and read-outs, the department performs continuous upgrades of electric systems, power lines, utility poles and transformers. The department also handles tree trimming near power lines and street lights.

#### **Volunteer Fire Department**

Winterville Volunteer Fire Department protects 18,000 people living in an area of 60 square miles. Firemen operate out of one station that protects a primarily residential area. Winterville has a public fire department with all members on volunteer status.

#### **Planning**

The Planning Department coordinates and oversees the planning program. Planning staff is available to provide information and answer questions concerning issues such as zoning, setback requirements, subdivision regulations, rezoning matters, property uses, annexations, thoroughfare plans, and other construction and development related issues.

### **Police Department**

The department employs 10 full time officers and utilizes the services of 7 reserve officers who work without compensation. Reserve officers average 16 hours per month and work special events. The department is a proactive agency with a strong community oriented policing philosophy. The department has four neighborhoods actively participating in the Community Watch Program - Waterford, Canterbury, North Winterville and Craft Winds subdivisions.

The department is also actively engaged in youth programs including; D.A.R.E. (presently funded by private funds and fundraisers by D.A.R.E officers), bicycle rodeos, basketball tournaments, and other youth sport activities. The department was instrumental in acquiring grant funds through the Governor's Crime Commission to develop the Hillcrest Park Recreation Facility.

### **Public Works**

This department takes care of all maintenance on streets and ditches owned by the town. The department is also in charge of the public water and sewer systems and operates and maintains 3 water wells and 11 sewer lift stations. The department has 17 employees.

### **Rescue Department**

The responsibility of this department is to respond to emergencies requiring medical assistance.

## **G. Political Climate**

The elected officials of the Town of Winterville 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 Aldermen intend to vigorously support 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 Winterville a safer community and see implementation of the Hazard Mitigation Plan as a means to help achieve that goal.