



**TOWN OF SOUTHERN SHORES**  
**TOWN COUNCIL REGULAR MEETING**  
5375 N. Virginia Dare Trail, Southern Shores, NC 27949  
Phone 252-261-2394 / Fax 252-255-0876  
[www.southernshores-nc.gov](http://www.southernshores-nc.gov)  
**PITTS CENTER**  
**Tuesday, February 03, 2026 at 10:00 AM**

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## AGENDA

### **Call Meeting to Order**

Pledge of Allegiance  
Moment of Silence

### **Amendments to / Approval of Agenda**

### **Consent Agenda**

1. Minutes Approval-January 6, 2026

### **Staff Reports**

Deputy Town Manager / Planning Director

Police Chief

Fire Chief

Town Manager

- a. Resilient Coastal Community Program Update
- b. Soundside Grass Accumulation
- c. Potential Topics for March Retreat

Town Attorney

### **General Public Comment (Limit: 3 minutes per speaker.)**

### **Old Business**

### **New Business**

- 2. Consideration of Bid Award-East Dogwood Trail Street Reconstruction Project
- 3. Public Hearing-ZTA-25-06

### **Council Business**

### **Adjourn**



# Town of Southern Shores

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## 8 Meeting Minutes

9 Pitts Center – 5375 N. Virginia Dare Trail, Southern Shores, NC

10 Date: Tuesday, January 6, 2026

11 Time: 10:00 a.m.

## 12 Attendance

13 Present:

- 14 - Mayor Morey
- 15 - Mayor Pro Tem Neal
- 16 - Council Member Sherlock
- 17 - Council Member Baticic
- 18 - Council Member Neilson

19

## 20 Call to Order

21 Mayor Morey called the meeting to order at 10:00 a.m.

22 The Council and public stood for the Pledge of Allegiance followed by a Moment of  
23 Silence.

## 24 Amendments to / Approval of Agenda

25 Mayor Morey requested an amendment to the agenda to remove item number 6, the  
26 Public Hearing ZTA-25-06, as requested by the applicant due to clarifications needed.

27 **Motion** to amend the agenda as described was made by Council Member Baticic,  
28 seconded by Council Member Sherlock. Motion carried unanimously.

## 29 Consent Agenda

30 The consent agenda included minutes from the previous meeting and the service  
31 contract amendment for Ocean Rescue. The service contract amendment with  
32 Sandski, LLC would extend services through the end of the 2026 beach season (July-  
33 October 2026) with an additional cost of \$39,540.83 per month totaling \$158,163.32,  
34 which will be accounted for in the FY 2027 budget.

35 Council Member Sherlock confirmed that the amendment had no impact on the current  
36 budget.

37 Town Manager Ogburn confirmed the amendment had no impact on the current year  
38 budget but would for the FY2027 budget.

39 **Motion** to approve the consent agenda was made by Council Member Neilson,  
40 seconded by Council Member Sherlock. Motion carried unanimously.

41 **Presentations**

42 Southern Shores Fire Department Staff & Fire Auxiliary Board Members Introductions

43 Fire Chief Limbacher introduced members of the Fire Auxiliary Board. Present were  
44 Eddie Hayman (Chairman and retired Hampstead Police Lieutenant), Fred Schmidt  
45 (Vice Chair), Maylon White (who previously ran North Carolina aquariums before  
46 retiring), and Randy Browning (from Martins Point, who had joined the board six months  
47 ago). Chief Limbacher particularly commended Eddie Hayman and Maylon White for  
48 their extensive work during the department's transition and for rewriting many of the  
49 bylaws.

50 Chief Limbacher then introduced the four new fire captains:

- 51 ● Matt Jones - Holds a degree in criminal justice from Elizabeth City State  
52 University with certifications including North Carolina firefighter, hazardous  
53 materials technician, qualified North Carolina fire instructor, and advanced EMT.  
54 He played football at Elizabeth City University and coaches football at John A.  
55 Holmes.
- 56 ● Dakota Sawyer - Grew up in Camden, North Carolina and gained firefighting  
57 experience with the Department of Defense and Department of Homeland  
58 Security. He is pursuing a bachelor's degree in emergency management with a  
59 focus on fire investigations at Southern and Columbia University.
- 60 ● Daniel Wottawa- Born and raised in New York, he joined the fire service in 2014  
61 and previously served with Currituck Fire and EMS.
- 62 ● Lawson Marsh - Started as a junior firefighter at age 16 in Ahoskie, NC. He  
63 worked at Corolla Beach Rescue for seven years, with the last three as head  
64 supervisor. He graduated from East Carolina University with a bachelor's degree  
65 in construction management and runs his own construction business when not  
66 on shift with the fire department. He lives in Southern Shores and previously  
67 volunteered with the department.

68 Town Clerk Sheila Kane administered the oath of office to the four captains.

69 Chief Limbacher expressed appreciation for how well the captains had been working  
70 together during the transitional phase and their willingness to address unforeseen  
71 issues.

72 A250 Initiative-Katelin Kight, Dare County

73 Council Member Neilson introduced Katelin Kight, Assistant Public Information Director  
74 for Dare County, whom he had been working with on the A250 committee. He  
75 commended her organizational skills, clear communication, and documentation  
76 abilities.

77 Ms. Kight explained that the DARE A250 committee represents multiple organizations  
78 collaborating to coordinate county-wide celebrations of America's 250th birthday  
79 through July 2026 and beyond. The committee includes representatives from Dare  
80 County, all municipalities, Dare County Schools, National Park Service, Outer Banks  
81 Visitors Bureau, and various nonprofits and museums.

82 Key initiatives include:

- 83 ● The DARE A250 website (darea250.org) where visitors can subscribe to a  
84 monthly newsletter
- 85 ● The DARE A250 Passport Program featuring 13 historic locations throughout  
86 Dare County, including a Southern Shores flat top home
- 87 ● The DARE A250 Fair on April 18th at Wright Brothers Memorial
- 88 ● The Kelly St. Patrick's Day Parade in March, which will have a DARE A250 theme

89 Ms. Kight showed a video highlighting the passport program, which allows visitors to  
90 scan QR codes at 13 historic sites across the county. Participants can earn certificates  
91 based on how many locations they visit, with the program running through November  
92 18, 2026.

93 The DARE A250 Fair will be a free event featuring live music, family-friendly activities,  
94 historical storytelling, vendors, and a patriotic show. The committee is seeking  
95 volunteers and encourages submission of DARE A250-themed events through their  
96 website.

97 Council Member Baticic asked if rental companies would be provided with this  
98 information for visitors, and Ms. Kight confirmed they plan to distribute email banners,  
99 rack cards, and flyers to visitor centers, coffee shops, and restaurants.

## 100 **Staff Reports**

### 101 Deputy Town Manager / Planning Director

102 Deputy Town Manager/Planning Director Haskett reported that the planning  
103 department issued 37 permits in December (5 zoning permits, 15 building permits, and  
104 17 trade permits), collecting \$12,200.35 in fees.

105 The Planning Board will meet on January 21st (Wednesday due to the holiday) at 5:00  
106 PM in the Pitt Center to reconsider the Southern Shores Civic Association ZTA that was  
107 removed from today's agenda and potentially consider a ZTA regarding wastewater  
108 treatment plants if finalized before the meeting.

### 109 Police Chief

110 Police Chief Kole presented the December 2025 report, which included 1,510 calls for  
111 service, 20 reported incidents, 10 criminal arrests totaling 21 charges, 76 traffic stops  
112 resulting in 22 written citations and 49 warning citations, zero ordinance violations, and  
113 2 reportable motor vehicle accidents.

114 Chief Kole mentioned that the department is developing a webpage about License Plate  
115 Readers (LPRs) that will include the department's policy, state statutes, locations,

116 budget information, and examples of their usefulness. He noted they are awaiting the  
117 final Memorandum of Understanding from the State Bureau of Investigation.

118 Council Member Baticic expressed concerns about e-bikes, particularly youth riders  
119 ignoring traffic rules, and asked if the state legislature was working on regulations.  
120 Chief Kole stated that the North Carolina Police Chiefs Association has been pushing  
121 for legislation, but it has stalled. He noted that the department has planned bicycle  
122 rodeos for the summer that will include e-bike education and a helmet giveaway.

123 Chief Kole shared a concerning story about a chase involving an intoxicated rider on an  
124 electric bike traveling at extensive speeds on South Dogwood Trail. Mayor Morey and  
125 council members agreed that education and parental accountability are crucial  
126 components of addressing this issue.

127 **Fire Chief**

128 Fire Chief Limbacher reported 66 total calls for December 2025, including 46 EMS calls,  
129 1 motor vehicle accident, 1 victim removed from stalled elevator, 1 hazardous  
130 condition, 1 arcing/shorted wire, 1 beach wheelchair delivery, 3 smoke detector  
131 services, 2 public service calls, 2 cover up/standby calls, 4 dispatches canceled en  
132 route, and 4 fire alarms. He noted this was the department's highest call volume year  
133 ever.

134 Chief Limbacher mentioned that the Santa ride on December 20th was well-attended,  
135 particularly at the pavilion at the marina. Council Member Neilson commended Chief  
136 Limbacher and the department for the successful event, noting the participation from  
137 various community organizations.

138 **Town Manager**

139 Town Manager Ogburn presented the second quarter financial report, acknowledging  
140 Finance Officer Bonnie Swain for compiling the data. Highlights included:

- 141 ● Receipt of a \$5,000 grant for a new mobile message trailer
- 142 ● Hiring of the fourth fire captain
- 143 ● Transfer of the fire station from fire real estate incorporated to the town
- 144 ● Work on the North Island Resilient Coastal Communities Program
- 145 ● Positive progress on the entry corridor
- 146 ● Receipt of beach nourishment survey results
- 147 ● \$220,000 grant from the Tourist Bureau for multi-use path repairs on NC 12
- 148 ● Progress on the East Dogwood Trail road rework project, with bids opening  
149 Friday, January 9th
- 150 ● Cemetery improvements, with irrigation installation beginning

151 For the second quarter, the town collected approximately \$5 million in revenue (largely  
152 from ad valorem taxes, occupancy tax, sales tax, and land transfer tax) while expenses  
153 were just over \$2 million. The town has collected about 62% of its budgeted revenues  
154 for the year.

155 Town Manager Ogburn also presented a beach nourishment update, highlighting that  
156 the most recent survey shows a net gain of approximately 333,000 cubic yards between  
157 November 2022 and November 2025 surveys, representing a 32% increase in the  
158 volume of sand originally added. The project is performing well, with an actual gain of  
159 4.3 cubic yards per foot per year versus the projected loss of 3 cubic yards per foot per  
160 year.

161 Regarding financing, Town Manager Ogburn noted that the town borrowed \$5.5 million  
162 for the \$11 million project, with \$4.3 million from the county and the remainder from  
163 grants. The town will make its last payment on December 15, 2026, and will have \$1.8  
164 million in reserve to start the next project.

165 For future planning, Coastal Protection Engineering of North Carolina (CPE) will be  
166 submitting proposals for 2026 monitoring and for plans/specifications for a potential  
167 2027 project. Monitoring will be done in May with updated information available by  
168 June/July. Bids for a potential new project would occur in August/September timeframe,  
169 at which point the town would need to decide whether to proceed.

170 Council members discussed county participation, MSD rates, and the coordination  
171 required between the four towns for any future project.

172 **Town Attorney**

173 Town Attorney Hornthal did not provide a report.

174

175 **General Public Comment**

176 No members of the public requested to speak.

177

178 **Old Business**

179 **Consideration of Extension of Citizen Ban**

180 Town Attorney Hornthal explained that a special meeting was held on February 5, 2025,  
181 to consider extending a temporary emergency ban of Anthony Mina from town property.  
182 Mr. Mina was given notice and an opportunity to be heard but did not appear, instead  
183 submitting a statement in opposition. The Town Council voted unanimously to extend  
184 the ban for one year and provided Mr. Mina the opportunity to request a review after one  
185 year, which he has not done. The current ban expires on February 4, 2026.

186 Council members discussed the duration of a potential extension, with Council  
187 Member Sherlock suggesting a longer period such as three years due to the resources  
188 devoted to the matter and Mr. Mina's lack of interest in having the ban lifted. Mayor Pro  
189 Tem Neal advocated maintaining the one-year review period.

190 **Motion** to continue the current ban from all town property for Mr. Mina until his  
191 request for review, not sooner than February 4, 2027, was made by Mayor Morey,  
192 seconded by Council Member Batenic. Motion carried unanimously.

193

194 **[Clerk's Note: The special meeting in 2025 was held on February 4, 2025]**

195 **New Business**-none

196

197 **Council Business**

198 Mayor Morey announced the next Town Council meeting will be on Tuesday, February 3,  
199 2026, at 10:00 AM. She also announced she will be holding a Mayor's Chat on Tuesday,  
200 February 17, 2026, at 4:30 PM.

201 Mayor Pro Tem Neal announced that the Entry Corridor Enhancement Committee will  
202 have a rehearsal on January 14th at 9:00 AM at the Pitt Center to prepare for a potential  
203 presentation to a joint meeting of the planning board, council, and citizens on January  
204 27th at 5:30 PM regarding their phase 1 report. He also mentioned the upcoming DARE  
205 Housing Foundation meeting on January 20th.

206 Council Member Sherlock reported on her participation in the Albemarle Rural Planning  
207 Organization and ongoing work on cemetery improvements.

208 Council Member Baticic reported that the Tourism Board's December meeting  
209 indicated occupancy was down due to economic uncertainty, weather, and media  
210 coverage of coastal erosion. The board is focusing on marketing efforts to show the  
211 Outer Banks is "safe and sound" and hoping the A250 initiative will bring more visitors.

212 Council Member Neilson referenced his work on the A250 committee and Current TV,  
213 noting that Current TV is encouraging towns to produce videos rather than purchase  
214 equipment with LDPI grants.

215

216 **Adjourn**

217 Motion to adjourn was made by Council Member Baticic. Motion carried  
218 unanimously.

219

220 ATTEST:

221

222

223

224 

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Elizabeth Morey, Mayor

225

226

227

Respectfully submitted,

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Sheila Kane, Town Clerk



## Agenda Item Summary Sheet

**Date:** 2/3/26

**Item #:** 2

**Item Title:** East Dogwood Road project

### **Item Summary:**

The project includes improvements to a portion of East Dogwood Trail that has diminished. The town engineer's design is based in part on his analysis of a geotechnical engineering report done for the project by Terracon. That report presents recommendations related to subsurface soil conditions, groundwater conditions, site preparation and earthwork and pavement design and construction.

The calculated sections for the proposed pavement areas are presented in the table below. The table is formed based on vehicle counts provided by the town. These pavement sections are recommended based on the results of Terracon's analysis in conjunction with their experience with similar soil conditions and projects as well as the minimum single lift thicknesses specific to each mix type as required by NCDOT.

#### **Asphalt Pavement Section**

Section	Hot Mix Asphalt			Aggregate Base Course <sup>2</sup>	Subgrade
	Surface (S-9.5B or S-9.5C) <sup>1</sup>	Intermediate (I-19.0C) <sup>1</sup>	Base (B-25.0C) <sup>1</sup>		
Heavy Duty	1.5	2.5	3	8	Firm and Stable

1. Per NCDOT, the minimum single lift thicknesses for asphalt mix types S-9.5B, S-9.5C, I-19.0C, and B-25.0C are 1-inch, 1.5 inches, 2.5 inches, and 3 inches, respectively.
2. NCDOT ABC materials compacted to a dry density of at least 95% of the Modified Proctor maximum dry density (ASTM D 1557).

The bid period began on December 2, 2025, and concluded with a bid opening on January 9, 2026. A mandatory pre-bid conference was held at Town Hall at 10:00 am on Tuesday, December 16, 2025.

A minimum of three bids are required for contracts in the formal bid range. Three bids using unit pricing were received. Barnhill Contracting Company was the lowest bidder and bid under the engineer's estimated range

Bid Tabulation Sheet - A portion of East Dogwood Trail Reconstruction Project

1/9/2026

Contractor	Envelope #1			Envelope #2			Engineer's Estimate Range
	Proof of Contractors License	5% Bid Deposit	MB & WB Efforts	Lump Sum	Unit Price Sheet Completion	Acknowledgment of Addendums	
Barnhill Contracting Company	x	x	x	\$ 793,400.00	x	x	\$ 823,326.00 \$ 946,824.00
Fred Smith Company	x	x	x	\$ 891,234.00	x	x	
Whitehurst Sand Company	x	x	x	\$ 978,250.00	x	x	

Prepared by: Anlauf Engineering, PLLC



In the last several years the Town has attempted to accomplish as much work as possible with the annual allocation budgeted for street projects. However, there are streets in town such as East Dogwood Trail that require a more intensive approach which limits the availability of funds for other projects. Using the same unit pricing bid for the project, town staff were able to identify a cost savings of \$87,089.90 while adding a 1.5" asphalt overlay of an adjacent street (Bayberry Trail) while still accomplishing the intent of the East Dogwood project. This would include overlaying the eastern most portion of the East Dogwood Trail project with a 1.5" of asphalt overlay rather than by the same rebuild required for the worst sections of the road.

The current fiscal year budget includes \$1M for street/stormwater projects. To date, \$31,125 has been spent on engineering. If approved, the contract price would be transferred to a new line item specifically for the amended project. \$290,565 would remain for additional street/stormwater projects in the current fiscal year.

**Staff Recommendation and Requested Action:** Town staff recommend a motion to issue a Notice of Award to Barnhill Construction and to authorize the town manager to enter a contract in an amount of \$706,310.20



## AGENDA ITEM SUMMARY FORM

**MEETING DATE:** February 3, 2026

**ITEM TITLE:** Public Hearing-ZTA-25-06

**ITEM SUMMARY:**

The Applicant is proposing to amend Town Code Section 36-97 to increase the Town's current height limit for fences for community recreational facilities. Town Code Section 36-57 defines "community recreational facilities" as recreational facilities owned and operated by not-for-profit entities which are constructed for, open to, and available for use by members, property owners, and their guests. The SSCA currently owns and operates nine community recreational facilities. If adopted, the proposed amendments would establish a new maximum height of ten feet for fences for community recreational facilities, instead of six feet. In addition, the proposed amendments would establish that any fence exceeding six feet in height used for a community recreational facility shall be constructed utilizing chain-link fabrication from the ground to the top of the fence.

**STAFF RECOMMENDATION:**

Town Staff has determined that the proposed amendments are consistent with the Town's currently adopted Comprehensive Land Use Plan and Town Staff recommends approval of the application. The Town Planning Board unanimously (3-0) recommended approval of the application at the January 21, 2026 Planning Board meeting.

**REQUESTED ACTION:**

Motion to adopt ZTA-25-06.

## STAFF REPORT

**To:** Southern Shores Town Council  
**Date:** February 3, 2026  
**Case:** ZTA-25-06  
**Prepared By:** Wes Haskett, Deputy Town Manager/Planning Director

### **GENERAL INFORMATION**

**Applicant:** Southern Shores Civic Association, Inc.  
 5377 N. Virginia Dare Trl.  
 Southern Shores, NC 27949

**Requested Action:** Amendment of Town Code by amending Town Code Section 36-97 to amend the Town's requirements for fences for community recreational facilities.

### **ANALYSIS**

The Applicant is proposing to amend Town Code Section 36-97 to increase the Town's current height limit for fences for community recreational facilities. Town Code Section 36-57 defines "community recreational facilities" as recreational facilities owned and operated by not-for-profit entities which are constructed for, open to, and available for use by members, property owners, and their guests. The SSCA currently owns and operates nine community recreational facilities. If adopted, the proposed amendments would establish a new maximum height of ten feet for fences for community recreational facilities, instead of six feet. In addition, the proposed amendments would establish that any fence exceeding six feet in height used for a community recreational facility shall be constructed utilizing chain-link fabrication from the ground to the top of the fence.

The Town's current Comprehensive Land Use Plan contains the following Policies that are applicable to the proposed ZTA:

- ICC 7: Support the protection, maintenance and preservation of existing parks and open spaces.
- ICC 7.1: Maintain a dialogue with and support civic associations and other property owners associations regarding their open space and recreational facilities.

### **RECOMMENDATION**

Town Staff has determined that the proposed amendments are consistent with the Town's currently adopted Comprehensive Land Use Plan and Town Staff recommends approval of the application. The Town Planning Board unanimously (3-0) recommended approval of the application at the January 21, 2026 Planning Board meeting.



# Town of Southern Shores

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PLANNING BOARD  
 GENERAL APPLICATION FORM  
 TOWN OF SOUTHERN SHORES, NC 27949

Date: 11/16/2025

Filing Fee: \$200

Receipt No. 1071 Application No. ZTA-25-06

NOTE: The Planning Board will follow the specific provisions of the Zoning Ordinance Chapter 36. Article X Administration and Enforcement, Section 36-299.

Please check the applicable Chapter/Article:

- Chapter 30. Subdivisions-Town Code
- Chapter 36. Article VII. Schedule of District Regulations, Section 36-207 C-General Commercial District
- Chapter 36. Article IX. Planned Unit Development (PUD)
- Chapter 36. Article X. Administration and Enforcement, Section 36-299 (b) Application for Building Permits and Site Plan Review other than one and two family dwelling units
- Chapter 36. Article X. Section 36-300-Application for Permit for Conditional Use
- Chapter 36. Article X. Section 36-303 Fees
- Chapter 36. Article X. Section 36-304-Vested Rights
- Chapter 36. Article XIV. Changes and Amendments

Certification and Standing: As applicant of standing for project to be reviewed I certify that the information on this application is complete and accurate.

Applicant

Name Southern Shores Civic Association, Inc.

Address: 5733 Virginia Dare Trail

Southern Shores, NC 27949

Phone (252) 261-8617 Email ssca@obxbeach.net

Applicant's Representative (if any)

Name Jeff Johnson, President

Agent, Contractor, Officer (Circle one)

Address 23 Duck Woods Drive

Southern Shores, NC 27949

Phone (919) 414-0593 Email president@sscaobx.org

j.johnson@wyrick.com

Property Involved:  Southern Shores  Martin's Point (Commercial only)

Address: N/A Zoning district N/A

Section N/A Block N/A Lot N/A Lot size (sq.ft.) N/A

Request:  Site Plan Review  Final Site Plan Review  Conditional Use  Permitted Use  
 PUD (Planned Unit Development)  Subdivision Ordinance  Vested Right  Variance

Change To:  Zoning Map  Zoning Ordinance

Jeff Johnson,  
 Signature SSCA President

11-6-25  
 Date

\* Attach supporting documentation including proposed language in ZTA ordinance format



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ZTA-25-06  
 January-21-2026  
 Ordinance 2025-XX-XX

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES  
 OF THE TOWN OF SOUTHERN SHORES, NORTH CAROLINA**

**ARTICLE I. Purpose(s) and Authority.**

**WHEREAS**, pursuant to N.C.G.S. § 160D-701, the Town of Southern Shores (the “Town”) may enact and amend ordinances regulating the zoning and development of land within its jurisdiction and specifically the location and use of buildings, structures, and land. Pursuant to this authority and the additional authority granted by N.C.G.S. § 160D-702, the Town has adopted a comprehensive zoning ordinance (the “Town’s Zoning Ordinance”) and has codified the same as Chapter 36 of the Town’s Code of Ordinances (the “Town Code”); and

**WHEREAS**, in accordance with the finding above, the amendment of the Town’s Zoning Ordinance and Town Code Ordinances as stated below will serve a public purpose and advances the public health, safety and general welfare;

**WHEREAS**, the Southern Shores Civic Association, a North Carolina non-profit corporation owns and maintains within the Town of Southern Shores certain community recreational facilities open to and available for use by members, property owners and their guests;

**WHEREAS**, such community recreational facilities serve a public purpose and advance the public health, safety and general welfare;

**WHEREAS**, in connection with the maintenance and management of certain community recreational facilities it is necessary to construct fencing up to ten feet high to help prevent vandalism and unauthorized entry by climbing over, to enhance public safety and to support applicable recreational activities;

**WHEREAS**, the amendment of the Town’s Zoning Ordinance and Town Code Ordinances as stated below is based on reasonable consideration, among other things, as to the character of the district, suitability for uses in the area, conserving value of buildings and encouraging the most appropriate use of land throughout the Town;

**WHEREAS**, the Town’s currently adopted Land Use Plan contains Policies and Action Items that are applicable to the amendments, including but not limited to the following:

**Policy: ICC 7:** Support the protection, maintenance and preservation of existing parks

and open spaces.

**Policy:** **ICC 7.1:** Maintain a dialogue with and support civic associations and other property owners associations regarding their open space and recreational facilities.

## **ARTICLE II. Construction.**

For purposes of this ordinance amendment, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the adopted Town Code which are not repeated herein but are instead replaced by an ellipses ("...") shall remain as they currently exist within the Town Code.

## **ARTICLE III. Amendment of Zoning Ordinance.**

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Southern Shores, North Carolina, that the Town Code shall be amended as follows:

**PART I.** That **Sec. 36-97--Walls and Fences.** be amended as follows:

### **Sec. 36-97—Walls and Fences**

The setback requirements of these regulations shall not prohibit any necessary retaining wall or prohibit any wall or fence. However, within or abutting any residential district, no wall or fence shall exceed six feet in height and within any commercial or industrial district no fence shall exceed ten feet in height. For wireless telecommunications sites, no wall or fence shall exceed ten feet in height. For community recreational facilities, no fence shall exceed ten feet in height. Any fence exceeding six feet in height used for a community recreational facility shall be constructed utilizing chain-link fabrication from the ground to the top of the fence.

## **ARTICLE IV. Statement of Consistency with Comprehensive Plan and Reasonableness.**

The Town's adoption of this ordinance amendment is consistent with the Town's adopted comprehensive zoning ordinance, land use plan and any other officially adopted plan that is applicable. For all of the above-stated reasons and any additional reasons supporting the Town's adoption of this ordinance amendment, the Town considers the adoption of this ordinance amendment to be reasonable and in the public interest.

## **ARTICLE V. Severability.**

All Town ordinances or parts of ordinances in conflict with this ordinance amendment are hereby repealed. Should a court of competent jurisdiction declare this ordinance amendment or any part thereof to be invalid, such decision shall not affect the remaining provisions of this ordinance

amendment nor the Zoning Ordinance or Town Code of the Town of Southern Shores, North Carolina which shall remain in full force and effect.

**ARTICLE VI. Effective Date.**

This ordinance amendment shall be in full force and effect from and after the \_\_\_\_\_ day of \_\_\_\_\_, 2026.

Elizabeth Morey, Mayor

ATTEST:

\_\_\_\_\_  
Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Town Attorney

Date adopted:

\_\_\_\_\_  
Motion to adopt by Councilmember:

\_\_\_\_\_  
Motion seconded by Councilmember:

Vote: \_\_\_\_ AYES \_\_\_\_ NAYS