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**TOWN OF KURE BEACH
TOWN COUNCIL**

Meeting Date:
October 20, 2025

Agenda Item No.
9.1

**ZONING CONSISTENCY STATEMENT
N.C.G.S. § 160D-605**

X Consideration of proposed text amendment to Section 15.36.010 of The Town of Kure Beach Code (“KBC”):

_____ The proposed text amendment is CONSISTENT WITH the objectives and policies of the Town of Kure Beach 2022 Comprehensive Land Use Plan (“CLUP”).

X The proposed text amendment is NOT CONSISTENT WITH the CLUP.

This matter appeared before Town Council for consideration of and action on the application of Gus Industries, LLC to amend KBC Section 15.36.010 *Control of Yards/Setbacks* by including pergolas with a 5-foot setback as an additional exception to the setback requirements for corner lots with 10-foot setback areas. Upon reviewing the application, the Planning and Zoning Commission (“Commission”) found that limiting encroachments and structures within the setback areas mitigates against adverse environmental impacts by preserving open spaces, light, and air and furthers public health, safety, and welfare by not impeding the progress of first responders in exigent circumstances.

The Commission also found that the proposed text amendment will not result in adverse environmental impacts or be detrimental to public health, safety, and welfare provided that the pergolas are open-air structures that are not attached to the primary structure. Noting the proposed amendment’s consistency with the CLUP, the Commission recommended that Council adopt the amendment.

Upon considering the application, Department Head reviews of the proposed amendment, and public comments regarding the same, Council finds that allowing pergolas in the subject setback areas, including open-air pergolas that are not attached to the primary structure and have a 5-foot setback, may result in adverse environmental impacts and impede the progress of first responders in exigent circumstances. Based on this finding, Council concludes that it is not reasonable nor in the public interest to adopt the proposed amendment.

In denying the application, Council finds that adopting the proposed amendment is not consistent with the provisions of Part 3, Section 2.B *Land Use Compatibility* of the CLUP that states, in pertinent part, that the Town will “ensure that any uses of the land...minimize negative environmental impact and avoid risks to public health, safety and welfare....”

This the 20th day of October 2025.

**TOWN OF KURE BEACH
TOWN COUNCIL**

Allen Oliver, Mayor