



**TOWN OF APEX TOWN COUNCIL**  
**RESOLUTION OF SUPPORT OF SENATE BILL 587**  
**CLARIFY NONCONFORMITY USES**  
**RES-2025-\_\_\_\_\_**

**WHEREAS**, the North Carolina General Assembly will be considering Senate Bill 587, an act to clarify nonconformities in land development, filed by Senator Michael A. Lazzara and Senator Benton G. Sawrey and other bill sponsors; and

**WHEREAS**, provisions within this legislation provide greater clarification of nonconforming uses and allow for the reconstruction and repair of nonconformities, so long as the use or structure is not intensified or expanded in the process; and

**WHEREAS**, North Carolina Session Law 2024-57 entitled “AN ACT TO MAKE MODIFICATIONS TO AND PROVIDE ADDITIONAL APPROPRIATIONS FOR DISASTER RECOVERY; TO MAKE TECHNICAL, CLARIFYING, AND OTHER MODIFICATIONS TO THE CURRENT OPERATIONS APPROPRIATIONS ACT OF 2023; AND TO MAKE VARIOUS CHANGES TO THE LAW”, became law on the 11th of December 2024; and

**WHEREAS**, the passage of North Carolina Session Law 2024-57 severely erodes municipal authority to initiate and adopt zoning text amendments applicable to entire nonresidential zoning districts and severely limits the authority of local governments to adopt regulations related to residential zoning districts given the time, effort, and cost of identifying all of the owners of the parcels within such zoning districts. Moreover, the new law as adopted could empower a single property owner to override the will of a governing body and perhaps a vast majority of the other property owners affected by the amendment; and

**WHEREAS**, all North Carolina Local Governments continue to face challenges presented by growth and development. Each local government’s zoning authority has historically provided a means to balance those challenges with the needs of the community based on the will of the residents as determined through the municipal elections. Section 3K.1(a) of North Carolina Session Law 2024-57 negatively impacts local government zoning regulation and greatly diminishes the role of local governments granted by the Constitution of the State of North Carolina to manage growth and effect change consistent with the needs of their jurisdictions; and

**WHEREAS**, the Apex Mayor and Town Council members, as outlined in their recently adopted Legislative Agenda, remain committed to thoughtful planning and development processes and decision making which represents the best interest of all Apex residents; and

**WHEREAS**, clear land use and zoning terminology and definitions are critical to municipal enforcement and planning; and

**WHEREAS**, the North Carolina League of Municipalities has worked diligently with leadership in the Senate and House Chambers to identify a resolution to the

downzoning legislation that effects many municipalities across North Carolina;

**WHEREAS**, Section 10.(a) and (b) of Senate Bill 587, as proposed, would remove the down-zoning limitation created by Session Law 2024-57.

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Apex, that the elected representatives of the Town of Apex and the Wake County Delegation in the North Carolina General Assembly are hereby requested to support the adoption of Section 10.(a) and (b) of Senate Bill 587.

**BE IT FURTHER RESOLVED**, that the Town Clerk is hereby directed to provide a certified copy of this resolution to all elected representatives representing the Town of Apex in the North Carolina General Assembly as well as the entire Wake County Delegation.

**BE IT FURTHER RESOLVED**, that the Town Clerk is hereby directed to provide a certified copy of this resolution to all Wake County Commissioners, Wake County Municipal Mayors, Town Councilmembers, and Town Clerks and request their support of this legislation.

**ADOPTED**, this the \_\_\_\_\_ day of \_\_\_\_\_ 2025.

TOWN OF APEX

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Jacques K. Gilbert  
Mayor

Attest:

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Allen Coleman, CMC, NCCCC  
Town Clerk