

LCB Protected Areas

Overview

The subdivision of Lake Castleberry is unique in that it contains multiple types of protected areas that are regulated by the state and local authorities as well as the HOA.

The Neighborhood

The entirety of Lake Castleberry is contained within the Primary Watershed Protection Overlay District of Apex, as seen on the [map](#). Our stormwater runoff diverts to Lake Castleberry, which eventually leads to Jordan Lake, a primary water supply. Therefore, the NC Division of Water Resources (DWR) has implemented riparian buffer rules protecting vegetated areas adjacent to intermittent and perennial streams, lakes, reservoirs, ponds, estuaries, and modified natural streams within the Jordan Lake watershed. In addition, the rules require local governments to enforce them, with the ability to require more stringent regulations. As such, Apex also has a set of regulations relating to riparian buffers.

NC DWR website:

<https://deq.nc.gov/about/divisions/water-resources/water-quality-permitting/401-buffer-permitting/riparian-buffer-protection-program>

Apex website:

<https://www.apexnc.org/512/Riparian-Buffers>

Riparian Buffers

As defined by the State of North Carolina:

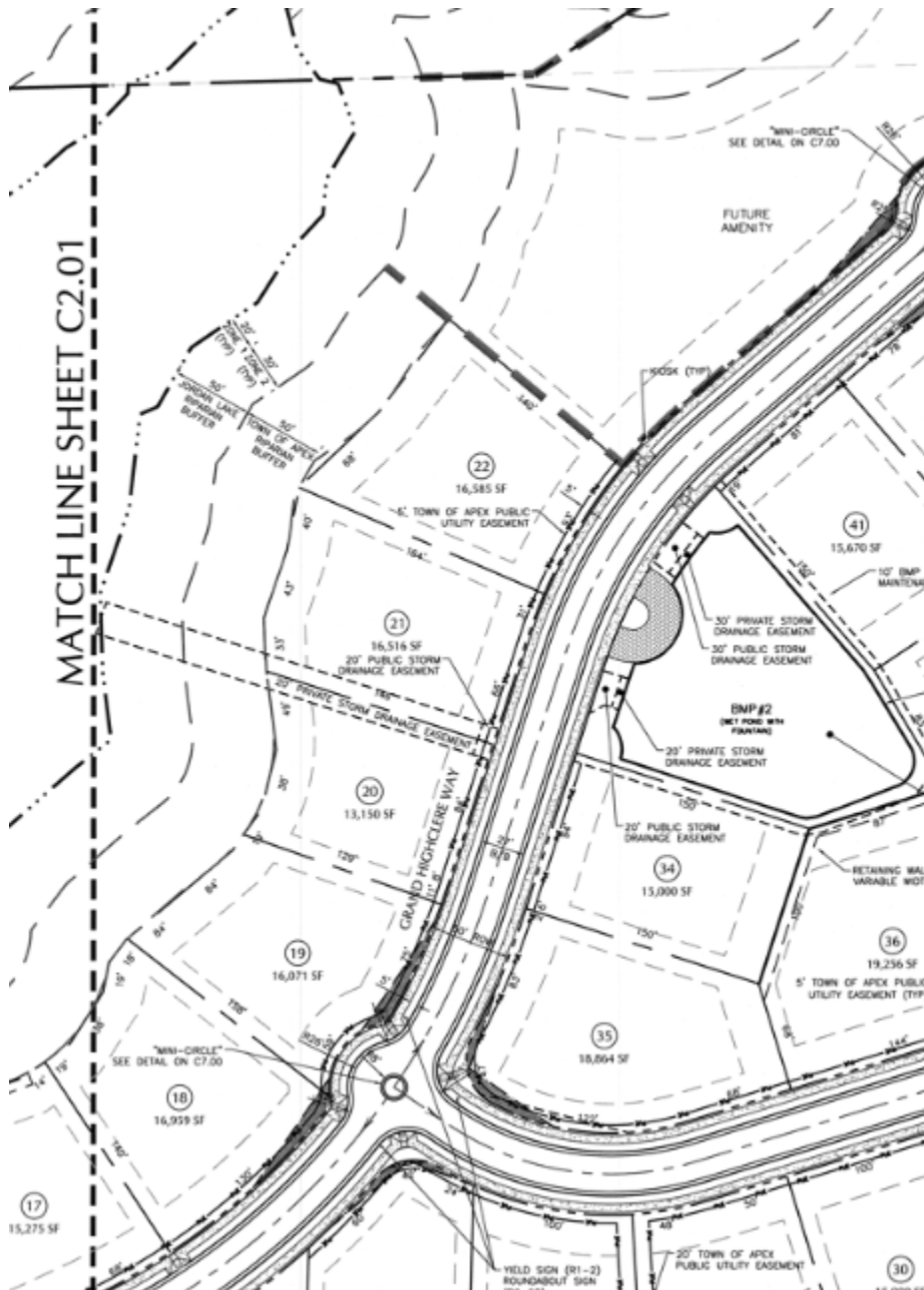
“The word riparian refers to the banks of streams, rivers, lakes, estuaries or other waters. A healthy riparian buffer has a combination of woody vegetation, shrubs, herbs, and native grasses growing on it to keep streambanks in place, remove unwanted pollutants, create healthy critter habitat, and reduce flooding. Riparian buffers are managed as one or more zones. The zone closest to the water protects the streambank and shoreline from erosion. The outer zone slows and spreads out the flow of stormwater, and traps pollutants before they enter the body of water.”

Within Lake Castleberry, lots 8 through 22 and the clubhouse property, have riparian buffers within the respective properties due to the proximity of the lake (Fig 1 & 2). *Note that Figure 1 has the riparian zones incorrectly reversed.* Because of the stream, the riparian buffer zone extends north behind the properties along Grand Highclere Way (clubhouse side, lots 79-94), behind the properties on the west side of Hawthorne Woods (lots 95-98), and extending north to Green Level Road between Hawthorne Woods (lots 109-114) and Glenvale St (lots 115-123). None of the properties near the stream overlap with any riparian buffer.

Figure 1



Figure 2



Jordan Lake riparian buffer

Extends 50 ft from the bank of the lake inland, and includes two zones:

- Zone One shall consist of a vegetated area that is undisturbed except for uses provided for in [NC 15A NCAC 02B .0267](#). It shall begin at the normal water level and extend landward a distance of 30 feet, measured horizontally on a line perpendicular to a vertical line marking the normal water level.
- Zone Two shall consist of a stable, vegetated area that is undisturbed except for uses provided for in Item (9) of [NC 15A NCAC 02B .0267](#). Grading and revegetating in Zone Two is allowed provided that the health of the vegetation in Zone One is not compromised. Zone Two shall begin at the outer edge of Zone One and extend landward 20 feet as measured horizontally on a line perpendicular to the surface water. The combined width of Zones One and Two shall be 50 feet on all sides of the surface water.

Town of Apex riparian buffer

The buffer shall begin at the normal water level and extend 100 ft landward on a line perpendicular to a vertical line marking the normal water level. All buildings shall be set back 10 feet and all vehicular use areas shall be set back five (5) feet from any riparian buffer.

- Zone 3 shall consist of a vegetated area that is undisturbed except for the same uses provided in [Table of Uses 6.1.11.G.1](#). It shall begin at the outer edge of Zone 2 and extend landward a distance of 50 feet. The combined width of Zones 1, 2 and 3 shall be 100 feet on all sides of the surface water.

According to Apex regulations, it IS allowable to:

- Prune vegetation
- Remove dead trees
- Remove nuisance vegetation (such as poison ivy, vines, and bamboo)

LCB Limited Common Area

As established in the [DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR LAKE CASTLEBERRY](#), the Limited Common Area is defined as that certain portion of the Common Area consisting of an area along the entire rear lot line of each Lake Lot extending through the riparian buffer adjacent to each Lake Lot

and into the Lake a distance of twenty (20) feet from the shoreline for the exclusive use and benefit of the Owner of each such Lake Lot.

Key points contained within the Declaration:

- Each Owner of a Lake Lot shall be entitled to use the Limited Common Area on such Owner's Lake Lot solely for the installation and use of a walkway and a floating dock over the Lake, provided that the outer edge of the dock does not extend into the Lake a distance of greater than twenty (20) feet from the shoreline.
- There shall be no storage of materials of any kind in the Limited Common Area.
- Any improvements made by an Owner within the Limited Common Area assigned to a Lake Lot shall be subject to the review and approval by the Architectural Control Committee.

Architectural Guidelines Buffer Area

The Town of Apex and Jordan Lake Riparian Buffers may not be disturbed in any way without prior written consent of the Town of Apex. No temporary or permanent structures may be placed in the buffer areas, no objects of any kind may be stored in the buffer area. Buffer areas directly adjacent to Lots 8-22 are designated as "limited common area" and are accessible only to the adjacent Lot owners. Adjacent Lot owners are responsible for the costs associated with the maintenance of these buffer areas and will be billed accordingly for any expenses by the HOA. Adjacent Lot owners are required to follow all Buffer rules and restrictions set forth by the governing municipality.

Lot owners must obtain a Buffer Authorization permit from the Town of Apex to specifically allow a walkway within the 100 foot buffer area and to allow the creation of a path from the rear property line through the buffer area. Lot owners must submit a copy of Buffer Authorization with path plan, dock plan, and materials list with Architectural application.

Resource Conservation Area

Within Apex, every subdivision must establish a resource conservation area (RCA) with the intent of:

- Preserving the visual and aesthetic qualities of the Town;
- Encouraging site design techniques that preserve the natural and cultural environment and enhance the developed environment;
- Controlling erosion, slippage, and sediment run-off into streams and waterways;

- Increasing slope stability; and,
- Protecting wildlife habitat and migration corridors.

Within the [General Development Standards](#), it is established that no alterations may be performed without the written consent/approval of the Director of Planning and Community Development.

In Lake Castleberry, the only RCA is contained by the rear property lines of lots 109-123 which extends from the north cul de sac of Hawthorne Woods through the end of the cul de sac of Glenvale.

*** The above is a summary of state and local regulations. As rules & regs may change, homeowners are advised to explore the provided links for more detailed information.*