



BK 6461 PG 190 - 192

AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR MUSCADINE SECTION I

Prepared by: Gaylor Edwards & Vatcher, P.A.
219 New Bridge Street
Jacksonville, NC 28540

STATE OF NORTH CAROLINA
COUNTY OF ONSLOW

THIS AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR MUSCADINE SECTION I (the "Amendment") is made this _____ day of October, 2025, by B & M DEVELOPERS, LLC, a North Carolina limited liability company, hereinafter referred to as the "Declarant";

WHEREAS, Declarant has heretofore caused to be recorded a Declaration of Covenants, Conditions and Restrictions for Muscadine Section I in Book 6448, Page 326, in the Office of the Register of Deeds of Onslow County, North Carolina (the "Declaration");

WHEREAS, Declarant is the owner of sixty-seven percent (67.0%) of the subdivided lots in the SubCity and has the right under Article XVIII of the Declaration to alter, modify or change the restrictions in the Declaration;

WHEREAS, Declarant erroneously did not include restrictions and covenants regarding stormwater management and now desires to alter, modify and change the restrictions to include the stormwater management requirements.

NOW, THEREFORE, the Declarant does hereby amend the Declaration as follows:

ARTICLE IX, entitled "STORMWATER MANAGEMENT," is hereby amended by inserting the following provisions after paragraph F. therein:

(G) The maximum allowable built-upon area ("BUA") per lot is **4,000 square feet for all Lots**. This allotted amount includes any built-upon area constructed within the Lot property boundaries, and that portion of the right-of-way between the front lot line and the edge of the pavement. Built upon area has the same meaning as set forth in NCGS Section 143-214.7, as amended. The Declarant or Association must approve, in writing, any structure, including the placement of any substance or material that is impervious, to be constructed or placed on any Lot to insure there will be no violation of the BUA limitation set forth above per the Permit or stormwater rules and regulations.

The Permit may provide for additional BUA square feet (the "Excess BUA") for future allocation by the Declarant, or its successors or assigns, provided however, the BUA set forth in this paragraph (E) may not

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in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Onslow County Register of Deeds.

be increased or decreased by the Declarant or any Lot owner, unless and until the Declarant or Lot owner notifies the City and obtains prior written approval from the City.

(H) All runoff from the BUA on each Lot must drain into the permitted system. This may be accomplished via grading, a stormwater collection system and/or a vegetated conveyance.

(I) Filling in or piping of any vegetative conveyances (such as ditches, swales, etc.) associated with the development, except for the minimum amount necessary under driveways to provide access to lots and the minimum amount necessary to direct runoff beneath an impervious surface such as a road, is strictly prohibited by any person.

(J) Each Lot will maintain a minimum fifty (50) foot wide vegetated buffer adjacent to all surface waters in accordance with 15A NCAC 02h.1003(4) and the approved plans.

(K) All roof drains shall terminate at least fifty (50) feet from the mean high water mark of surface waters.

(J) Any individual or entity found to be in non-compliance with the provisions of the stormwater management Permit or requirements of the stormwater rules found in 15A NCAC 02H.1000 and Section Law 2008-211, is subject to enforcement procedures as set forth in NCGS 143, Article 21. Built upon area in excess of the permitted amount is not allowed unless a state stormwater permit modification is issued prior to construction, which permit modification may or may not be granted as determined by the City.

(K) These covenants are to run with the land and be binding on all persons and parties claiming under them.

(L) Placement of dredged or fill material, or development within the waters of the United States and/or wetlands without a Department of the Army permit may constitute a violation of Section 301 of the Clean Water Act. This activity also requires notification to the City.

All permitted runoff from future development of the Property shall be directed into the permitted stormwater control system. These connections to the stormwater control system shall be performed in a manner that maintains the integrity and performance of the stormwater control system as permitted.

Declarant, the Association, the City of Jacksonville and their respective successors and assigns, reserve and retain the right to go upon any Lot to inspect for the compliance of such Lot with the Permit and to maintain, repair, replace and construct ditches and devices necessary to insure that such Lot is in compliance with the Permit.

ARTICLE XII, entitled "**MUSCADINE HOA, INC.**," subparagraph g. is amended by adding a new subsection (iv) as follows:

(iv) all amounts expended by the Association to pay any monies owed by the Association to the City of Jacksonville pursuant to the City of Jacksonville's Stormwater Operation, Maintenance, Easement and Access Agreement for Structural Stormwater Management of BMPS and Escrow Contribution Contract to be recorded in the Onslow County Registry.

INCORPORATION BY REFERENCE: All of the terms, covenants, conditions, restrictions, rights, duties and obligations as set forth in the Declaration, are hereby incorporated in this Amendment by reference.

EXCEPT as hereby amended, the conditions, covenants and restrictions set forth in the Declaration shall remain in full force and effect.

IN WITNESS WHEREOF, the Declarant has caused this instrument to be signed, in its name, by a duly authorized manager, as the act and deed of the Declarant, the day and year first above written.

B & M DEVELOPERS, LLC, a North Carolina
limited liability company

By: 

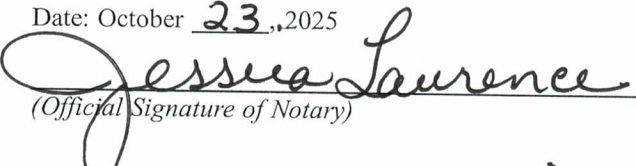
Name: **Jennifer L. Morton**

Title: **Administrative Officer**

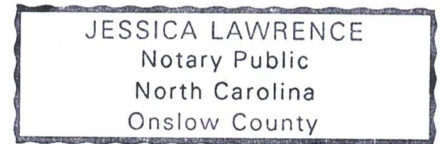
STATE OF NORTH CAROLINA
COUNTY OF ONSLOW

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purposes stated therein and in the capacity(ies) indicated: **Jennifer L. Morton**

Date: October 23, 2025


(Official Signature of Notary)

(Notary's printed or typed name) Jessica Lawrence



My commission expires: 6-20-26

(Official Stamp or Seal)