

THIS DOCUMENT PREPARED BY
AND RETURN TO:
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**AMENDMENT TO MASTER DECLARATION OF PROTECTIVE COVENANTS AND
RESTRICTIONS FOR HEATHROW**

THIS AMENDMENT TO MASTER DECLARATION OF PROTECTIVE COVENANTS AND RESTRICTIONS FOR HEATHROW is made and entered into as of the 27th day of November, 2018, by HEATHROW MASTER ASSOCIATION, INC. (hereinafter referred to as the "Association"), a Florida not-for-profit corporation, whose mailing address is 995 Heathrow Blvd., Heathrow, FL 32746.

WITNESSETH:

WHEREAS, the Association is subject to and encumbered by that certain MASTER DECLARATION OF PROTECTIVE COVENANTS AND RESTRICTIONS FOR HEATHROW recorded in Official Records Book 4651, Page 0598, *et seq.*, of the Public Records of Seminole County, Florida (hereinafter referred to as the "Declaration"), as amended and supplemented;

WHEREAS, Heathrow shall mean and include the Committed Property as that term is defined in the Declaration;

WHEREAS, pursuant to Article 10, Section 10.7 of the Declaration, this AMENDMENT TO MASTER DECLARATION OF PROTECTIVE COVENANTS AND RESTRICTIONS FOR HEATHROW (hereinafter referred to as the "Amendment") was passed and approved by the affirmative vote of the Members holding at least two-thirds (2/3) of the voting rights of the Association;

WHEREAS, the Amendment was duly adopted at a meeting of the members on the 13th day of November, 2018;

WHEREAS, the Association finds that the incidence of bears entering populated areas of Seminole County to forage for food in garbage containers, and from other sources, is increasing and has reached a level that poses a threat to the health, safety, and welfare of the residents within Heathrow;

WHEREAS, Seminole County, Florida enacted Ordinance No. 2015-33 provides that according to the Florida Fish and Wildlife Conservation Commission (FWC), black bears have recovered from population declines and are a conservation success story for Florida and the FWC;

WHEREAS, pursuant to Seminole County, Florida Ordinance No. 2015-33, a consequence of this conservation success is an increase in human-bear conflicts within urban areas;

WHEREAS, black bears are attracted to unsecured garbage, trash or refuse at residences found in bear range areas;

WHEREAS, the majority of human-bear conflicts within urban areas are associated with unsecured garbage, and some of those conflicts have resulted in injury to humans;

WHEREAS, pursuant to Seminole County, Florida Ordinance No. 2015-33, in 2013 and 2014 there were three human-bear conflicts that resulted in serious injuries to people in the area of Seminole County located west of Interstate 4;

WHEREAS, the FWC reports that since 2008, it has received reports of over 6,600 human-bear "conflicts" in the area of Seminole County located west of Interstate 4;

WHEREAS, FWC officials have described the portion of Seminole County located west of Interstate 4 as the "epicenter of human-bear conflict"; and

WHEREAS, the Association finds it is in the best interests of Heathrow community and its residents, as well as the local bear population, to implement, foster and promote a program establishing the subdivision as a "bear-wise" community. The following mandatory restrictions are intended to minimize the circumstances giving rise to (i) bear incursions into the community, and (ii) habituation of the local bear population to human contact.

NOW THEREFORE, the Declaration is hereby amended as follows:

[...]

ARTICLE 3 LAND USE CLASSIFICATIONS AND RESTRICTIONS

3. **Declaration.** The Developer does hereby declare that the following provisions shall be applicable to the Committed Property which shall be transferred, demised, sold, conveyed and occupied subject to the terms of these Covenants as follows:

[...]

3.10 **Additional provisions for the Preservation of the Values and Amenities of Heathrow.** In order to preserve the values and amenities of Heathrow, the following provisions shall be applicable to the Committed Property.

[...]

3.10.4 **Litter.** In order to preserve the beauty of the Committed Property, no garbage, trash, refuse or rubbish shall be deposited, dumped or kept upon any part of the Committed Property except in closed containers, dumpsters or other garbage collection facilities deemed suitable by the Association. All containers, dumpsters and other garbage collection facilities, including bear resistant trash cans as provided for in Article 12 of this Declaration, shall be screened from view from outside the lot upon which same are located that are used for any purpose (even if empty), shall be stored in such a manner that they are inaccessible to animals, and kept in a clean condition with no noxious or offensive odors emanating therefrom. The containers shall be concealed within buildings, by a screening wall of material similar to and compatible with that of the building, or by landscaping sufficient to provide permanent screen from any street or surrounding property. These elements shall be integrated with the building plan and shall be designed so as not to attract attention. They shall be located in a manner that is as inconspicuous as possible. Excepted from the foregoing shall be all construction debris, refuse, unsightly objects and waste upon any portion of the Committed Property owned by the Developer or its nominee through the period of construction of dwelling units or other structures or improvements upon the Committed Property.

[...]

3.10.14 **Garbage Containers, Oil and Gas Tanks, Air Conditioners, Pool Equipment.** All ~~garbage and trash containers~~, oil tanks, bottled gas tanks, and swimming pool equipment and housing must be underground or placed in walled-in areas or landscaped areas so that they are not visible from any adjoining property. Adequate landscaping shall be installed and maintained by the Owner.

[...]

ARTICLE 12 **BEAR AND WILDLIFE MANAGEMENT**

12.1 Securing Food Sources. Owners and residents shall not leave food waste in areas that are accessible by wild animals, or allow wild animals to access food, trash cans, food waste, pet food, barbeque grills, refrigerators or freezers outdoors in unsecured structures.

12.1.1 Garage doors must be kept closed so that bears and other wildlife cannot enter to search for stored foods.

12.1.2 Pet food feeding dishes, birdbaths, trays and containers must not be placed outdoors with food at any time. Pet food supplies must be stored in the house or a closed garage. Owners and residents may not use wildlife feeders, or in any other manner distribute food for bears, birds, squirrels, raccoons, possums, deer, or other wildlife, except that Owners and residents may install bird feeders which are kept at a height of at least ten feet (10") off the ground.

12.1.3 Composting food waste is prohibited unless it is secured to preclude access by bears. Beekeeping attracts bears and is prohibited. Salt and mineral blocks also attract bears and are prohibited.

12.1.4 Built-in residential barbecue grills must be cleaned of food, grease droppings, and food odors after each use. Moveable grills must be stored within a secured area. Residents using barbecues in the recreation areas must clean the grills thoroughly after each use and place any food trash and grill residue in designated bear-resistant receptacles.

12.1.5 Recyclable materials stored outside until scheduled collection day, and/or placed at a designated collection location on scheduled collection day must be sufficiently free from residue of food and other materials so that they are not an attractant to bears or other wildlife.

12.2 Use of "Bear-Resistant" Trash Cans. All Units within Heathrow must use a commercially manufactured bear-resistant trash can, which shall meet the requirements of Seminole County, FWC and the applicable waste-hauler servicing the community, to be used for the disposal of household food waste.

12.2.1 All food waste must be placed in a bear-resistant trash can for pick-up by the waste-hauler. Food waste shall include, without limitation, food containers not washed clean of food residue and odor. Bear-resistant trash cans shall not be used for the disposal of yard waste.

12.2.2 Because they are a bear attractant, all trash cans, including bear-resistant trash cans, that are used for any purpose (even if empty) shall be stored in such a manner that they are inaccessible to animals. The containers shall be concealed within buildings, by a screening wall of material similar to and compatible with that of the building, or by landscaping sufficient to provide permanent screen from any street or surrounding property. These elements shall be integrated with the building plan and shall be designed so as not to attract attention. They shall be located in a manner that is as inconspicuous as possible. If such cans need to be cleaned, then they shall only be left outside for the minimum time period needed for cleaning and for drying after cleaning. While drying they must remain out of view from the street and the Committed Property, and they must be returned to their usual storage area by the end of the day.

12.3 Use of "Bear-Resistant" Commercial Refuse Containers. All Neighborhood Associations who utilize community dumpster containers within Heathrow must use bear-resistant commercial refuse containers which shall meet the requirements of Seminole County, FWC and the applicable waste-hauler servicing the community, to be used for the disposal of household food waste.

12.3.1 All food waste must first be placed in garbage bags, and then deposited inside the bear-resistant commercial refuse containers for pick-up by the waste-hauler. Food waste shall include, without limitation, food containers not washed clean of food residue and odor.

12.3.2 All bear-resistant commercial refuse containers must remain secured at all times, except with loading or unloading, and the area around the bear-resistant commercial refuse

containers shall be kept clean of any trash and debris. If damaged in a manner that would permit bear access, the respective Neighborhood Association shall use best efforts to repair or replace the damaged bear-resistant commercial refuse containers in a commercially reasonable time after the damage is reported.

12.4 Enforcement by Association. The Association shall have the power to enforce the restrictions contained herein and shall take any and all action reasonably necessary to correct such violation, as provided for in this Declaration, as amended and supplemented. In addition, Neighborhood Associations shall have the power to enforce the restrictions contained within this Article 12 against Units within the Neighborhood and shall take any and all action reasonably necessary to correct such violation.

12.5 Enforcement by Governmental Authorities. Feeding bears (whether deliberately or inadvertently) can also be a violation of Florida law, entitling the FWC or other governmental authorities to impose fines or other penalties. This Section does not address such matters, which are in addition to any remedies the Association may assert for violating these provisions. Violations of these guidelines should be promptly reported to Heathrow management and/or the Florida Fish and Wildlife Conservation Commission at Wildlife Alert.

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IN WITNESS WHEREOF, the Association has executed this AMENDMENT TO MASTER DECLARATION OF PROTECTIVE COVENANTS AND RESTRICTIONS FOR HEATHROW as of the day and year first above written.

Signed, sealed and delivered
in the presence of:

HEATHROW MASTER ASSOCIATION, INC.

Jacob W. Chamness
(Sign - Witness 1)

Jacob W. Chamness
(Print - Witness 1)

Mary C Persampiere
(Sign - Witness 2)

Mary C Persampiere
(Print - Witness 2)

Jacob W. Chamness
(Sign - Witness 1)

Jacob W. Chamness
(Print - Witness 1)

Mary C Persampiere
(Sign - Witness 2)

Mary C Persampiere
(Print - Witness 2)

By: [Signature]
(Sign)

John B. McKee
(Print)

President, Heathrow Master Association, Inc.

Attest: [Signature]
(Sign)

JOHN S. LYLE
(Print)

Secretary, Heathrow Master Association, Inc.

STATE OF FLORIDA
COUNTY OF Seminole

The foregoing was acknowledged before me this 27th day of November,
2018, by John B. McKee, as President, and
John S. Lyle, as Secretary, of HEATHROW MASTER
ASSOCIATION, INC., a Florida not for profit corporation, on behalf of the corporation, who are
personally known to me or who have produced N/A as
identification.

NOTARY PUBLIC

Deanna B. Sims
(Sign)

Deanna B. Sims
(Print)

State of Florida, At Large
My Commission Expires:

