

(2) SUBJECT TO THE PROVISIONS OF SUBSECTIONS (D) AND (E)(1) OF THIS SECTION, THE OPERATION OF A FAMILY DAY CARE HOME SHALL BE:

(I) CONSIDERED A RESIDENTIAL ACTIVITY; AND

(II) A PERMITTED ACTIVITY.

(D) (1) (I) SUBJECT TO THE PROVISIONS OF PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, A CONDOMINIUM MAY INCLUDE IN ITS DECLARATION, BYLAWS, OR RULES AND RESTRICTIONS A PROVISION EXPRESSLY PROHIBITING THE USE OF A UNIT AS A FAMILY DAY CARE HOME.

(II) A PROVISION DESCRIBED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH EXPRESSLY PROHIBITING THE USE OF A UNIT AS A FAMILY DAY CARE HOME SHALL APPLY TO AN EXISTING FAMILY DAY CARE HOME IN THE CONDOMINIUM.

(2) A PROVISION DESCRIBED UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION EXPRESSLY PROHIBITING THE USE OF A UNIT AS A FAMILY DAY CARE HOME MAY NOT BE ENFORCED UNLESS IT IS APPROVED BY A SIMPLE MAJORITY OF THE TOTAL ELIGIBLE VOTERS OF THE CONDOMINIUM UNDER THE VOTING PROCEDURES CONTAINED IN THE DECLARATION OR BYLAWS OF THE CONDOMINIUM.

(3) IF A CONDOMINIUM INCLUDES IN ITS DECLARATION, BYLAWS, OR RULES AND RESTRICTIONS A PROVISION PROHIBITING THE USE OF A UNIT AS A FAMILY DAY CARE HOME, IT SHALL ALSO INCLUDE A PROVISION STATING THAT THE PROHIBITION MAY BE ELIMINATED AND FAMILY DAY CARE HOMES MAY BE APPROVED BY A SIMPLE MAJORITY OF THE TOTAL ELIGIBLE VOTERS OF THE CONDOMINIUM UNDER THE VOTING PROCEDURES CONTAINED IN THE DECLARATION OR BYLAWS OF THE CONDOMINIUM.

(4) IF A CONDOMINIUM INCLUDES IN ITS DECLARATION, BYLAWS, OR RULES AND RESTRICTIONS A PROVISION EXPRESSLY PROHIBITING THE USE OF A UNIT AS A FAMILY DAY CARE HOME, THE PROHIBITION MAY BE ELIMINATED AND FAMILY DAY CARE MAY BE PERMITTED BY THE APPROVAL OF A SIMPLE MAJORITY OF THE TOTAL ELIGIBLE VOTERS OF THE CONDOMINIUM UNDER THE VOTING PROCEDURES CONTAINED IN THE DECLARATION OR BYLAWS OF THE CONDOMINIUM.

(E) A CONDOMINIUM MAY INCLUDE IN ITS DECLARATION, BYLAWS, OR RULES AND RESTRICTIONS A PROVISION THAT:

(1) REGULATES THE NUMBER OR PERCENTAGE OF FAMILY DAY CARE HOMES OPERATING IN THE CONDOMINIUM, PROVIDED THAT THE PERCENTAGE OF FAMILY DAY CARE HOMES PERMITTED MAY NOT BE LESS THAN 7.5 PERCENT OF THE TOTAL UNITS OF THE CONDOMINIUM;

(2) REQUIRES DAY CARE PROVIDERS TO PAY ON A PRO RATA BASIS BASED ON THE TOTAL NUMBER OF FAMILY DAY CARE HOMES