

~~SIDEWALKS, AND OTHER COMMON AREAS OF THE DEVELOPMENT NECESSARY FOR ORDINARY INGRESS AND EGRESS TO THE FAMILY DAY CARE HOME.~~

~~(D) EXCEPT FOR THOSE COMMON AREAS DESCRIBED UNDER SUBSECTION (C)(2) OF THIS SECTION, A HOMEOWNERS ASSOCIATION MAY REQUIRE A DAY CARE PROVIDER TO PAY REASONABLE USER FEES FOR THE USE OF THE COMMON AREAS BY THE CHILDREN OF THE FAMILY DAY CARE HOME.~~

(II) USE OF THE ROADS, SIDEWALKS, AND OTHER COMMON AREAS OF THE CONDOMINIUM HOMEOWNERS ASSOCIATION BY USERS OF THE FAMILY DAY CARE HOME.

(2) SUBJECT TO THE PROVISIONS OF SUBSECTION 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.

~~(E)(1) SUBJECT TO THE PROVISIONS OF PARAGRAPH (2) OF THIS SUBSECTION, A HOMEOWNERS ASSOCIATION MAY INCLUDE IN ITS RECORDED COVENANTS AND RESTRICTIONS, BYLAWS, OR RULES, OR DECLARATION A PROVISION EXPRESSLY PROHIBITING THE USE OF A RESIDENCE AS A FAMILY DAY CARE HOME.~~

~~(2)(1) IN ORDER TO BE EFFECTIVE, A PROVISION IN THE BYLAWS OR RULES OF A HOMEOWNERS ASSOCIATION PROHIBITING THE USE OF RESIDENCES AS FAMILY DAY CARE HOMES SHALL BE APPROVED BY THE ELIGIBLE VOTERS OF THE HOMEOWNERS ASSOCIATION BY A SIMPLE MAJORITY OF THE VOTES CAST.~~

~~(ii) THE VOTE UNDER SUBPARAGRAPH (1) OF THIS PARAGRAPH SHALL BE CONDUCTED IN ACCORDANCE WITH THE TERMS OF THE BYLAWS AND RULES, EXCEPT THAT THE ELIGIBLE VOTERS SHALL BE ENTITLED TO VOTE BY ORDINARY MAIL.~~

~~(iii) RESIDENTS OF MULTIFAMILY DWELLINGS, NOT DEFINED AS A TOWN HOUSE DWELLING, ARE INELIGIBLE TO VOTE IN AN ELECTION DESCRIBED UNDER SUBPARAGRAPH (1) OF THIS PARAGRAPH.~~

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

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