

(II) The [funds shall be used] COUNTY COMMISSIONERS SHALL USE THE MONEYS IN THE SPECIAL FUND for public school facilities.

(III) [This] THE special fund shall be administered by the County [Commissioners and is subject to investment or expenditure by the County Commissioners, in their absolute discretion solely for the purposes of this section] COMMISSIONERS, WHO MAY, IN THEIR ABSOLUTE DISCRETION, INVEST OR SPEND THE MONEY IN THE FUND SOLELY FOR THE PURPOSES LISTED IN THIS SUBSECTION.

[(d) (1)] (4) (I) On or before October 1, 1998, the County Commissioners shall adopt an impact fee ordinance on impact fees for public school facilities.

[(2)] (II) The ordinance shall include regulations and procedures necessary to establish an impact fee program and to allow applications for impact fee credits for designated residential dwelling units.

[(3)] (III) The impact fee program shall [include] REFLECT the 5-year capital improvement needs of the County Board of Education.

DRAFTER'S NOTE: Subsection (a) of this section is new language added to define the scope of the section.

Subsections (b) and (d) through (g) of this section are transferred without substantive change from former §§ 3.02(b)(3), 4.07(b-2) and (e), 5.05(b), and 5.08, respectively, of this article.

In subsection (b) of this section, the former provision relating to a member of the County Commissioners sitting on the planning commission is deleted as obsolete.

Subsection (c) of this section is derived without substantive change from former § 4.05(d) of this article.

14.06. FREDERICK COUNTY.

(A) THIS SECTION APPLIES TO FREDERICK COUNTY.

(b) Notwithstanding any other provision [in] OF this article, [in Frederick County,] the Board of County Commissioners may overrule [the] AN action of the Frederick County planning commission by a majority vote of the membership of the Board of County Commissioners.

(c) (1) Notwithstanding [subsection (a) of this section, in Frederick County and St. Mary's County] § 4.07(A) OF THIS ARTICLE, the [board] members OF THE BOARD OF APPEALS may be appointed to [staggered] terms [varying from one to three] OF 1 TO 3 years.

(2) THE TERMS OF THE BOARD OF APPEALS SHALL BE STAGGERED.

(D) IF A PLAT IS APPROVED AND RECORDED IN ACCORDANCE WITH THIS ARTICLE BEFORE THE TRANSFER OF LAND, § 5.05 OF THIS ARTICLE DOES NOT APPLY TO THE CONTRACT FOR SALE OR NEGOTIATION FOR SALE OF PROPERTY ZONED INDUSTRIAL, COMMERCIAL, OR BOTH INDUSTRIAL AND COMMERCIAL.