



Bill No. 22-18

Concerning: Common Driveways

Introduced: \_\_\_\_\_

Revised: \_\_\_\_\_ Draft No. \_\_\_\_\_

Enacted: \_\_\_\_\_

Effective: \_\_\_\_\_

Expires: \_\_\_\_\_

Frederick County Code, Chapter 1-16

Section(s) '09

# COUNTY COUNCIL FOR FREDERICK COUNTY, MARYLAND

By: Council Member Jessica Fitzwater

**AN ACT** to: Amend the Subdivision Rules and Regulations to expand existing plats of record and common driveway.

Date Council Approved: \_\_\_\_\_ Date Transmitted to Executive: \_\_\_\_\_

Executive: \_\_\_\_\_ Date Received: \_\_\_\_\_

Approved: \_\_\_\_\_ Date: \_\_\_\_\_

Vetoed: \_\_\_\_\_ Date: \_\_\_\_\_

Date returned by County Executive with no action: \_\_\_\_\_

By amending:

Frederick County Code, 1-16 109

Other: \_\_\_\_\_

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law.</i>
[Single boldface brackets]	<i>Deleted from existing law.</i>
***	<i>Existing law unaffected by bill.</i>

Bill No. 22-18

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The County Council of Frederick County, Maryland, finds it necessary and appropriate to amend § 1-16-109 of the County Code to Amend the Subdivision Rules and Regulations to expand existing plats of record and common driveway.

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF FREDERICK COUNTY, MARYLAND, that the Frederick County Code be, and it is hereby, amended as shown on the attached Exhibit 1;

AND BE IT FURTHER ENACTED that the changes to the Code made by this bill will remain in effect only through December 31, 2023, and without further action will abrogate on January 1, 2024.

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M.C. Keegan-Ayer, President  
County Council of Frederick County,  
Maryland

2 **CHAPTER 1-16 – SUBDIVISION RULES AND REGULATIONS**

3 **Article IV: Required Improvements**

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5 **§ 1-16-109. STREET, COMMON DRIVEWAY AND SIDEWALK CONSTRUCTION.**

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7 (D) The developer of subdivisions utilizing (private) common driveways (as in double  
8 panhandle lots) shall provide for the complete construction of the common driveway in  
9 accordance with the plat and in accordance with the following.

- 10 (1) No more than 5 proposed lots and the remainder may be served from a common  
11 entrance or driveway. A remainder utilizing a common driveway cannot be further  
12 subdivided unless another point of access is provided for any additional lots off of the  
13 remainder and this restriction must be noted on the plat.
- 14 (2) When a common driveway is to be utilized for 2 to 4 lots (including lots of record and  
15 remainders) a minimum 12 foot travelway width shall be provided. A travelway width  
16 of up to 16 feet may be required in accordance with the County Fire Code.
- 17 (3) When 5 or more lots (generated from either a minor subdivision proposal or a  
18 combination of proposed new lots, the remainder, and lots of record) will utilize a  
19 common driveway, a 16 foot travelway width shall be provided. When 6 or more new  
20 lots are proposed (excluding the remainder), a common driveway is not permitted and a  
21 standard public road system must be utilized.
- 22 (4) A common driveway must be[gin] constructed with the above-described travelway  
23 widths, but may be reduced in width where only one lot is being served and when  
24 permitted by the County Fire Code.
- 25 (5) The material of the common driveway (not including the apron) may be stone or asphalt.  
26 (Material for the apron must meet the requirements of the entrance permit.)
- 27 (6) Common driveways must be used in the following cases:  
28 (a) Where adjoining panhandle portions are 300 feet or greater in length;  
29 (b) Where adjoining panhandles cross floodplains or Class IV or larger streams; or

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Underlining indicates entirely new matter added to existing law.  
[Single boldface brackets] indicates matter deleted from existing law.  
\*\*\* - indicates existing law unaffected by bill

1 (c) Where use of a common driveway will eliminate or limit the impact to a waterbody  
2 buffer in accordance with § 1-19-9.400 of the zoning ordinance;

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4 In other cases, the use of a common driveway is at the discretion of the subdivider.

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6 (7) Where multiple single driveway aprons cannot be constructed and meet entrance  
7 spacing requirements, a common driveway apron must be constructed.

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9 (8) When common driveways are to be used, they must be built before final plat  
10 recordation, unless this requirement is waived by the Division, in which case a  
11 guarantee must be posted.

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13 (9) All common driveways must comply with the County Fire Code.

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15 (10) Easement(s) granting the right of ingress and egress to all the lots and parcels approved  
16 to utilize the common driveway which includes maintenance provisions must be  
17 recorded in the land records and referenced on the subdivision plat prior to plat  
18 recordation.

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20 (11) For existing plats of record,

21 (a) the owner of a lot or a remainder parcel shown on the original plat of record may  
22 request approval to access and use the common driveway of the minor  
23 subdivision, if the following conditions are satisfied: Use by the lot or remainder  
24 will not result in the total number of lots or parcels served by the common  
25 driveway to exceed 6;

26 (b) The common driveway width complies with the requirements of this subsection  
27 based upon the increased number of lots or parcels served;

28 (c) A correction plat is submitted by the owner of the lot or remainder parcel sought  
29 to be served by the common driveway, which references the original recorded  
30 minor subdivision plat, with notes including restriction of further subdivision of a  
31 remainder; and

32 (d) All owners and those having an interest in every lot shown on the original  
33 recorded plat (including lienholders) must execute the easement required to be  
34 recorded pursuant to subsection 10 above, and the revised plat prior to  
35 recordation.

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