



Bill No. 22-18 _____

Concerning: Common Driveways _____

Introduced: September 6, 2022 _____

Revised: _____ Draft No. _____

Enacted: October 25, 2022 _____

Effective: December 24, 2022 _____

Expires: December 5, 2022 _____

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: 10/25/2022 Date Transmitted to Executive: 10/27/2022

Executive: Jan H Gardner Date Received: 10/27/2022

Approved: ✓ Date: 10/27/2022

Vetoed: _____ Date: _____

Date returned by County Executive with no action: _____

By amending:

Frederick County Code, 1-16 109

Other: _____

Boldface

Underlining

[Single boldface brackets]

Heading or defined term.

Added to existing law.

Deleted from existing law.

Existing law unaffected by bill.

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

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

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

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

CHAPTER 1-16 – SUBDIVISION RULES AND REGULATIONS

Article IV: Required Improvements

* * *

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

* * *

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

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

Underlining indicates entirely new matter added to existing law.

[Single boldface brackets] indicates matter deleted from existing law.

*** - indicates existing law unaffected by bill

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

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

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

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

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

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

(11) For existing plats of record,

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

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

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

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

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