



DPS

Montgomery County
Department of Permitting Services

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GUIDELINES FOR AWNING AND CANOPY OVER THE PUBLIC RIGHT OF WAY - Sept. 1, 2022

An awning is considered a temporary structure attached to a building. A Right of Way permit must be obtained when an awning encroaches into the Public-Right-Of-Way. The encroachment must be adequate for public safety and must be suitable to the circumstances of the proposed awning location and not interfere with the public use of the right-of-way. The structural design and construction must be in accordance with the current International Building Code and Montgomery County Building Standards of construction. This guideline is established under Section 49-11 of the County code.

- The permit is issued to owner of the building that the structure is attached to. The owner of the building is required to execute a Declaration of Covenants for the maintenance and liability for the temporary improvements (the awning) within the public right-of-way.
- Awnings will not be allowed to impair sight distances/visibility from an existing driveway apron or intersection. Applicants may be required to conduct Sight Distances Evaluation as part of the permitting process if there is a concern that an awning could unacceptably affect visibility.
- The awning permit is not transferable from person to person or to a different site from the location of original awning/public right-of-way permits.
- No advertisement or attachments of any kind are permitted on an awning - including, but not limited to temporary or permanent signs, balloons, streamers, flags, banners or pennants other than house or street number and/or firm name or filed trade name on a canopy. Lettering may include logo art for the purpose of business identification. The height of lettering shall not exceed 12 inches
- Awnings must be well maintained at all times. The covering shall be kept clean, free from accumulation of snow and ice and free from rips and tears, discoloration, fading, sagging, graffiti, etc. All structural members shall be kept free of rust and surface imperfections.
- The covering shall be flameproof, a certificate of flameproof material by manufacturer shall be provided with the permit application.
- Applicant must provide a detail plan of the awning showing size (width, length and depth), vertical clearance and horizontal encroachment into the public right of way. The detail plan must also show existing features in the right-of-way, such as sidewalks, curbs, driveways, signs, utility poles, trees, streetlights, storm drain structures (if any), etc.
- The proposed awning must have a minimum vertical clearance of 8' above the ground (generally sidewalk) surface.

- The horizontal encroachment (length of the awning) must not project more than 2/3 width of the sidewalk.
- The outer edge of the proposed awning must have a minimum horizontal clearance of fifteen (15) feet from any storm drain or stormwater management structure, streetlights, fire hydrants and bus stops.
- Generally, the proposed awning must be attached to the building and shall not have any column support from the surface of the public right of way. If the awning is proposed to be extended into the public right of way with columns supported from the ground, the following must be provided:
 - a. The columns must be a minimum of 3' away from the back of street curb
 - b. Installed columns must provide a minimum of 6' sidewalk space, free and clear of any obstructions
 - c. Maximum number of support columns is four (4).
 - d. Maximum column diameter must not be more than 3"
- The area under the canopy shall be sufficiently lighted with light fixture, illumination sources shall be installed so that they do not protrude below the bottom of any portion of canopy covering and they provide proper electrical protections against electrocution.
- Side curtains and diagonal bracing at vertical upright support are not permitted.
- The canopy permit shall be posted in a conspicuous place at the entrance into the building for which the awning/public right of way permit is issued.
- Should the county order removal of the awning, the property owner must comply with the order within 90 calendar days of the notice's issuance date. Otherwise, the awning will be removed by the county at the property owner's expense.
- An awning/canopy approval for encroachment into the public right of way is limited to the right of way authority and does not negate any other requirements for a building or zoning permit.
- Should you have any questions regarding awning permits, please contact the Division of Land Development/Right-of-Way Permitting and Plan Review Section at 240-777-0311.