



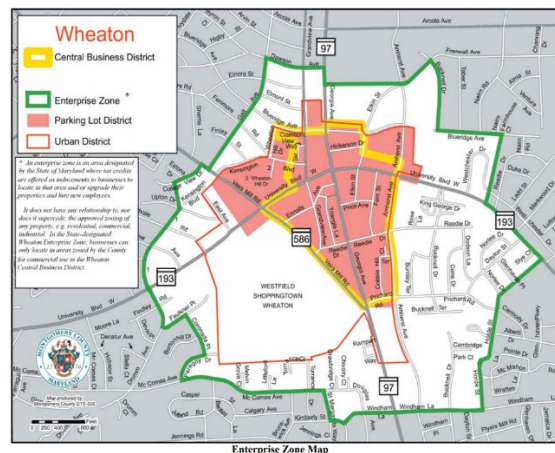
DPS

Montgomery County
Department of Permitting Services

2425 Reedie Drive, 7th Floor
Wheaton, MD 20902
240-777-0311 (MC311)
montgomerycountymd.gov/dps



Curbside Seating Cafes Wheaton Urban District – Pilot Program



Curbside Seating Cafes are accessible dining areas that serve as extensions of restaurants by converting curbside parking spaces into outdoor seating spaces. Curbside Seating Cafes utilize existing parking spaces and provide an extension of outdoor seating. They contribute to the public space network and the overall sidewalk experience by reimagining parking spaces as energized social spaces. The County will evaluate the pilot program over an eight-month period and if successful, the program will be offered Countywide.

Generally, streets with posted speed limits not exceeding 25 mph, located in walkable neighborhoods, serve as the most welcoming facilities for Curbside Seating Cafes. They include the installation of accessible seating, tables, and plantings, either placed on street level or on raised platforms. Requests for Curbside Seating Cafes will only be granted to owners, and tenants of food establishments that provide a letter of permission from the owner. A letter of support from the Wheaton Urban District is also required. Following site location approval, a permit from the Department of Permitting Services (DPS) will be required before any work is performed within the public right-of-way, including:

- Modification of the curb;
- Construction of a platform to raise the proposed café area to curb height; and,
- Placement of any outdoor seating, benches, planters, or other items.

Site Location

- Montgomery County Department of Transportation (MCDOT) will determine whether the site is appropriate for a Curbside Seating Cafe based on the following criteria:
 - 1) Space will be available on a first-come, first-served basis;
 - 2) Individual parking spaces within a block may not be eligible and will remain open to the public to support short-term activities;
 - 3) The applicant must demonstrate written support from adjacent business owners; and
 - 4) The Curbside Seating Cafe's footprint must be in front of the applicant's business frontage or within a reasonable distance determined by DPS.
- DPS will perform plan review and issue right-of-way permits for any Curbside Seating Cafe installation.
- A [Maintenance and Liability Agreement](#) must be signed and notarized by the applicant, with the property owner's consent. This agreement holds the County harmless for any liability for personal injury or property damage due to the Curbside Seating Cafe or its use.
- The construction cost to install the Curbside Seating Café shall be paid by the applicant, including the daily parking meter rate if parking meters are present.

Curbside Seating Cafes are NOT permitted:

- In dedicated bus lanes or bus stops;
- In dedicated bike lanes;
- Where a.m./p.m. peak hour parking regulations are in effect;
- In "No Parking," "No Standing" or "No Stopping" zones;
- Where access to a storm drain or utility manhole is obstructed or covered up; and,
- On streets with speed limits of more than 25 mph.

Design Criteria

Curbside Seating Cafes:

- May not be installed within a portion of the parking space.
- Must provide a minimum four-foot-wide opening at the curb for wheelchair access.
- Must include a four-foot minimum wheelchair turnaround area within the parklet.
- Must ensure the gap between the platform and the curb is no more than one-half inch wide to comply with the most recent Americans with Disabilities Act (ADA) and the ADA Design Standards.
- Must allow for appropriate drainage, per the current MCDOT design standards.
- Must raise platforms when used to a level that allows free water flow into the gutter pan.
- Must provide space beneath any platform that always remains clear and clean to prevent debris buildup and other drainage blockages.
- Must provide platforms constructed with sustainable, durable, and weatherproof materials.

- Must ensure that any platform surfaces are walkable, firm, stable, and slip-resistant.
- Engineered plans, when applicable, must be signed and sealed by a design professional licensed in the State of Maryland.

OTHER ELEMENTS

Railings and Vertical Elements

- Railings must be less than or equal to 3.5' in height.
- Railings must be spaced 4" or less apart.
- Vertical elements higher than 3.5' in height are subject to additional review and approval on a case-by-case basis.

Buffers, Barriers and Wheel Stop Requirements

- A one-foot minimum buffer between the seating and the adjacent travel lane.
- A 30-foot minimum buffer from a traffic control device (i.e., sign) at an intersection.
- A 20-foot buffer from a crosswalk.
- A 10-foot buffer from a curb cut/apron, a driveway, parking lot/garage, or alley.
- A 10-foot buffer from a storm drain inlet.
- A 15-foot buffer from a fire hydrant.
- Wheel stops must contain reflective striping.
- Wheel stops must be spaced six feet apart with no more than six-foot gaps in between wheel stops.
- Wheel stops must be installed parallel to the platform edge to protect it from adjacent vehicular traffic.
- Wheel stops must be placed at least four-feet upstream and downstream of the seating.
- Barriers must be placed around the perimeter of the seating.
- Barriers must be crash resistant.
Examples: water filled traffic barriers, concrete jersey walls, large planter boxes, or other solution approved by DPS.
- Barriers must be aesthetically pleasing and blend with the surrounding area.
- Retroreflective tape or paint must be provided around the perimeter of the outermost parts of the parklet including the barriers and wheel stops.

Temporary Traffic Control Measures

- A maintenance of traffic (MOT) plan that shows how traffic will be managed during the installation of the Curbside Seating Cafe is required.
- The MOT plan must be signed and sealed by a professional engineer.
- If appropriate, a temporary traffic control standard found in the current MCDOT Work Zone Safety, Temporary Traffic Control standards, or the Maryland Manual on Uniform Traffic Control Devices (MdMUTCD) manual may be used instead.

Maintenance and Operations

The Curbside Seating Cafe subsurface and surface elements shall always be kept clean and in a state of good repair, including but not limited to the following:

- Sweep the surface and surrounding area;
- Water and maintain any vegetation;
- Routinely clean the platform, seating, and other elements;
- Remove any debris, litter, grime, or graffiti from the barriers, surface and surrounding area;
- Replace any failing elements or components;
- Provide pest control as necessary; and,
- The platform and furniture must be removed once the permit has expired.

Curbside Cafe Seating Removal

All approved sites are subject to modification, removal, and/or relocation at the County's discretion.

- Subsurface and surface elements are subject to temporary removal for County maintenance, public improvements, or safety purposes.
- Temporary removal will be at the applicant's expense.
- At the direction of Montgomery County, a Curbside Seating Cafe must be permanently removed at the applicant's expense.
- Curbside Seating Cafes must be removed within 72 hours of the notice to remove.
- Upon permanent removal of the Curbside Seating Cafe, whether at the County's direction or expiration of the permit, the applicant shall restore the area to its original condition, or a condition approved by the County.
- Any violation of the approved permit conditions will lead to revocation of the permit and the applicant will be required to remove it at their expense.

Right-of-Way Permit Application

DPS will consider requests to permanently extend a curb for Outdoor Cafe Seating. If feasible, an engineered public right-of-way permit is required. Engineered plans must be prepared, signed, and sealed by a professional engineer licensed in the State of Maryland. Otherwise, requests for Curbside Cafe Seating should be submitted as a temporary occupation of the right-of-way permit and do not require engineered plans.

Application Fees and Permit Duration

- A permit fee and annual renewal fee will be required. The current fee is **\$232.52**, and the renewal fee is **\$162.22**. Fees are subject to change. Reference the right-of-way [fee regulations](#) for current rates.
- The permit is valid between March 1 and Oct. 31.
- Use of the space year-round will be considered, but the applicant must submit a separate plan demonstrating how the space will be used during winter months.
- The parking meter rate is **\$3,200** per parking space.
- Bond, if required, will be determined by DPS during plan review.

Plan Submissions

Site Plan shall be signed and sealed by a design professional licensed in Maryland. Plans shall include the following information:

1. Landscape and Materials Plan
2. Accessibility Plan (including a 4' wheelchair turnaround radius illustration)
3. Elevations, Perspectives and Renderings
4. Existing Conditions Plan
5. Striping and signage
6. Existing Parking meters
7. Existing Utilities
8. Streetlights and other public facilities
9. Trees and landscaping
10. Bus stop
11. Bike racks
12. Fire Hydrant
13. Photos of existing conditions
14. Framing Plan and Loading Calculations

Required Documents

- Proof of Liability Insurance
- [Maintenance and Liability Agreement](#)
- For curb extensions, cost of Construction (based on [DPS Bond Calculator](#))
- Written support from adjacent businesses and the Wheaton Urban District

Permit applications, fees, and plans must be submitted electronically using the [DPS Apply Online](#) and [ePlans](#) programs.

Alcohol Beverage Services (ABS) Licenses (Optional)

If you wish to serve alcohol in a Curbside Cafe Seating area, you must obtain a license from [Alcohol Beverage Services](#). The DPS ROW Curbside Cafe Seating permit must be approved *prior* to a request for an ABS [alcohol license](#). Applications for alcohol licenses **must be submitted directly to ABS**. Please reference the [ABS Outdoor Cafe Seating](#) document for more information.

Need Help? Important Contacts

Name	Email	Phone	Help Needed
Benjamin Morgan	Benjamin.Morgan@montgomerycountymd.gov	240-777-8704	DOT Location Approval
Jeremy Souders	Jeremy.Souders@montgomerycountymd.gov	240-777-8706	DOT Location Approval
Atiq Panjshiri	Atiq.Panjshiri@montgomerycountymd.gov	240-777-6352	DPS ROW Permit Approval
Linda Kobylski	Linda.Kobylski@montgomerycountymd.gov	240-777-6346	DPS ROW Permit Approval
Crystal Roberts	Crystal.Roberts@montgomerycountymd.gov	240-777-6323	DPS Online Services
Bobby Mohamed	Afrash.Mohamad@montgomerycountymd.gov	240-777-6387	DPS Online Services
Anjanette Ballard	Anjanette.Ballard@montgomerycountymd.gov	240-777-1989	ABS License
Joe Cannon	Joseph.Cannon@montgomerycountymd.gov	202-480-4023	ABS License

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Curbside Seating Cafes Wheaton Urban District – Pilot Program Checklist

- Collect Written Support from Adjacent Businesses.
- Collect Written Support from Wheaton Urban District.
- Contact MCDOT for Site Location Approval.
- Apply for Public Right-of-Way Permit, Pay Filing and Parking Meter Fee (if applicable), Submit Plans and Written Support Documentation via [DPS Apply Online](#) and [ePlans programs](#).
- After Right-of-Way Permit is issued, Contact the DPS ROW Inspector for a pre-installation meeting. The Inspector's contact information will be printed on the permit.
- If you wish to serve alcohol, Contact [ABS](#) for an [alcohol license](#).

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Benjamin Morgan	Benjamin.Morgan@montgomerycountymd.gov	240-777-8704	DOT Location Approval
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