



**PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
POLICY AND PROCEDURE**

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Executive Director**

PPM # PZ-O-044

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SUBJECT: Utility Easement Encroachment, Home Owner Common Areas and Rights-of-Way, Underground Turf and Landscape Irrigation Systems, Sidewalks and Driveways

PURPOSE: To clarify that underground irrigation pipes, sidewalks, and driveways may be installed in or across utility easements, Home Owner Association (HOA) common areas and within Rights-of-Way (ROW) without a release from the utility holder, HOA, or dedicatee of the right of way, when within a platted single family dwelling subdivision.

BACKGROUND: On January 13th, 2009, in an effort to regulate the installation of irrigation systems and protect the water supply, the BCC approved Ordinance 2009 – 002 as an appendix to the 2007 Florida Building Code. The effective date of the Ordinance was March 1st 2009. The Building Division now requires that permits be issued for all irrigation systems and that they be installed by licensed contractors.

During the permit review process contractors have been directed to obtain utility release agreements from various utility providers (FPL, cable, etc) and permission from the Land Development Division or HOA (as applicable) when irrigation pipes are proposed to cross or be located in HOA common areas or ROW prior to final sign-off on the irrigation permit. This requirement has proven to be onerous to the contractor and staff. Prior to the adoption of the Ordinance irrigation pipes located in easements, HOA property, or rights of way were not regulated.

PROCEDURES: Article 5.F.2.A of the ULDC, Easement Encroachment, does not specifically address underground irrigation systems, sidewalks, or driveways located in utility easements, HOA common areas, or within the ROW. Therefore the standards for easement encroachment, and requirements for written permission from the HOA or dedicatee of the right of way, shall not apply in these instances.

In the event the easement holder has to access the easement, or the HOA to the common property, or dedicatee to the right of way, resulting in damage to any improvement located in the easement, the property owner shall assume responsibility for restoring or repairing the damaged improvement.

Executive Director