



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

Doug Wise, Director

PPM#: PBO-043
Issued: 05/02/22
Effective: 05/02/22

SUBJECT: PERMITTING OF MINOR STRUCTURES OR SERVICE SYSTEMS IN UTILITY, DRAINAGE OR SIMILAR EASEMENTS

AUTHORITY: Section 104.1, Palm Beach County Amendments to the Florida Building Code; Section 5.F.2.A Palm Beach County Unified Land Development Code.

PURPOSE: The purpose of this PPM is to establish the policy and procedures for obtaining a permit to construct or install a minor structure, or service system in a utility, drainage, lake maintenance, roof overhang or similar easement.

DEFINITIONS: "Minor structure" is that which is built, constructed, erected or tied down with a fixed location on the ground or attached to something having a permanent location on the ground, not designed for human occupancy, and relatively easily removed. Examples of a minor structure include a fence, air conditioning unit, or a slab without footers.

POLICY: Buildings or structures designed for human occupancy, including screen enclosures, pools, or spas shall not be permitted in any easement.

The construction or installation of a minor structure or service system in an easement shall be by design and shall be easily removed if required.

The construction or installation of a structure or service system in an easement must not damage or impair the prescribed function of the easement, nor hinder routine maintenance access to any existing facilities. A determination of whether a structure or service system is incompatible with the established use of the easement shall be made by the appropriate regulating agency in accordance with this policy and the specified, authorizing sections of the ULDC.

Construction or installation a minor structure or service system in a utility, drainage or similar easement must comply with this policy, including all required consents and approvals from the applicable easement holders.

For the purpose of this policy, the construction or installation of improvements or landscaping in easements shall be divided into the following categories: encroachment into utility and roof overhang

easements, encroachment into drainage and lake maintenance easements, and encroachment into ingress/egress easements.

Utility Easements: In addition to the standard submittal requirements for a permit, applicants requesting to construct or install a structure, service system, or landscaping in a utility easement shall provide the following:

- Written consent of all easement holders and beneficiaries, specific to the proposed construction or installation, on Form #100 PBO-043 (attached).

Drainage, Lake Maintenance, or Similar Easements: In addition to the standard submittal requirements for a permit, applicants wanting to construct or install a structure or a service system in a drainage or similar easement shall provide the following:

- Written approval from Palm Beach County Land Development Division. If the Land Development Division indicates they have no jurisdiction, then form 200 PBO-043 shall be recorded, and a certified copy of the recorded agreement shall be submitted to the Building Division.
- Written consent from all known easement holders, beneficiaries, and governmental entities or agencies having jurisdiction of the drainage easement, specific to the proposed construction or installation shall be required.

Other Easements: In addition to the standard submittal requirements for a permit, applicants wanting to construct or install a structure, service system, or landscaping in a right-of-way access or private right-of-way shall provide the following:

- Specific written consent of the easement holder and approval of the Building Division Director, and the Palm Beach County Land Development Division, as applicable.

PROCEDURE: Building Permit Technicians shall review a permit application that proposes a structure or service system encroachment into an easement by first determining what type of easement the proposed improvement will encroach. If the encroachment would be into a drainage easement or an ingress/egress easement, the Building Permit Technicians shall refer the applicant to the Palm Beach County Land Development Division.

The Building Permit Technicians shall instruct the applicant about the necessary information, forms to be utilized, and the review and approval process.

A certified copy of the Palm Beach County Removal Agreement and Easement Consent Forms or approvals shall be maintained by the Building Division with the permit records for the permitted structure.



Director

Supersession History:

1. PPM# PBO-043, issued 01/23/90
2. PPM# PBO-043, effective 02/02/90
3. PPM# PBO-043, issued 03/90
4. PPM# PBO-043, issued 11/90
5. PPM# PBO-043, issued 03/91
6. PPM# PBO-043, issued 08/91
7. PPM# PBO-043, issued 12/96
8. PPM# PBO-043, issued 04/04/12
9. PPM# PBO-043, issued 11/16/16
10. PPM# PBO-043, issued 6/29/18
11. PPM# PBO-043, issued 5/02/22



**Palm Beach County
Planning, Zoning & Building Department
BUILDING DIVISION PERMIT CENTER**

EASEMENT CONSENT FORM

TO: _____
(Name of easement holder)

SUBJECT PROPERTY ADDRESS:

I am the record title holder of the above property. I propose to apply for a building permit from Palm Beach County to construct or install a _____

_____ in the _____

easement on my property, the legal description of this property being:

Lot _____ Block _____ Subdivision _____

or Metes & Bounds _____

In the event that you have no objections to this improvement, please complete this form. I understand that you or your company will not be responsible in any way for repairs to, or replacement of, any portion of the above-referenced improvement and that any removal or replacement of this improvement, necessary for your use or access of this easement, will be done at the expense of the property owner or his/her successors in interest.

(Signature of Owner)

(Print Name)

**STATE OF FLORIDA
COUNTY OF _____
Sworn to (or affirmed) and subscribed before me this**

_____ day of _____ 20__ by:

(Name of person making statement).

(Signature of Notary Public - State of Florida)

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known _____ OR Produced Identification

Type of Identification

Produced _____

ACKNOWLEDGMENT:

I agree to the proposed improvement, under the circumstances described above.

Name of easement holder

By: _____

Title: _____

Date: _____

Instrument Prepared By:

Name: _____

Address: _____



**PALM BEACH COUNTY
PLANNING, ZONING & BUILDING
BUILDING DIVISION**

PALM BEACH COUNTY REMOVAL AGREEMENT

Date: _____

PR #: _____

WHEREAS, _____

(hereinafter referred to as "Owner(s)") are desirous of constructing or installing a _____

in a portion of the _____ easement on Owner(s) property, the legal

description of this property being Lot _____ Block _____ Subdivision _____

or Metes & Bounds _____, as shown in the attached survey or site sketch.

WHEREAS, the Owner(s) do covenant that he/she is the fee simple owner of the property; and

WHEREAS, the above is to be erected for the use and enjoyment or proper functioning of the property and special aesthetics.

NOW, THEREFORE, in consideration of Palm Beach County ("County") issuing a building permit for construction of an improvement within an easement to Owner(s), the Owner(s) hereby agree to remove, at no expense to the County, the easement holders or the beneficiaries of the Easement, the above-described improvement from the property within thirty (30) days notice by the easement holder(s) that said improvement is inconsistent with the use of the Easement. It is agreed by the Owner(s) that the improvement shall be as depicted on the building permit application number _____, filed with Palm Beach County Planning, Zoning and Building Department, and that no other construction shall be in effect in said Easement. It is agreed by the Owner(s), that this Declaration shall be recorded at the Owner(s) expense in the Official Records of Palm Beach County, Florida, within ten (10) days of the date listed above, and that this Removal Agreement shall be a covenant running with the land and be binding upon the heirs, personal representatives, grantees, assigns and successors in interest of the Owner(s).

In the event that County and/or Owner(s) are challenged with respect to the placement of said improvement in the Easement, or a claim for damages is made as a result of the placement

of said improvement in the Easement, Owner(s) shall protect, defend, reimburse, indemnify and hold County, its agents, employees and elected officers harmless from and against all claims, liability, expense, loss, cost, damages or causes of action of every kind or character, including attorney's fees and costs, whether at trial or appellate levels or otherwise from said challenge.

Upon the vacation, abandonment or discontinuance of the Easement or the removal of the improvement within the Easement, this Removal Agreement shall immediately and automatically terminate and be of no further force and effect.

SIGNED, SEALED, EXECUTED AND ACKNOWLEDGED on this _____ day of _____ 20____.

Witness:

Owner Signature

Owner Signature

**STATE OF FLORIDA
COUNTY OF PALM BEACH**

The foregoing instrument was acknowledged before me this _____ Date

by _____, who is personally known to me or who has
Name of Person Acknowledging

produced _____ as identification and who **did** or **did not**
Type of I.D. not take an oath.

SEAL

(Signature of person taking
acknowledgement)

(Name of officer taking acknowledgement
typed, printed or stamped)

(Title or rank)

(Serial number, if any)