

**Property lines** Our inspectors regularly hear that the property lines are the point on your property that you and your neighbor have agreed to mow to or that the sodded area of a new lot is the property boundary. Your real property line is a line identified on a plat map as the boundary of your lot. These are generally marked by a survey marker (a pipe or metal bar) buried slightly below the ground at the corners of your property. Often the front corners are located a foot or so behind the sidewalk (toward the house). When doing a project it will be your responsibility to show the inspector where the property boundary is.

**Restrictive or Protective Covenants** The Ankeny Municipal Zoning Code is the "City law" regarding the use of property. In addition to this law, the developer or previous owners of the land that became your property could have recorded covenants that are additional requirements or restrictions affecting your property. These requirements would have been filed with the Polk County Recorder's office at the time your property was platted and can probably be found in your abstract documents. Covenants are generally not enforced by the City of Ankeny; they are enforced by your neighbors (those who purchased property that was part of the plat your lot is in)

**Parkway** This is sometimes called the "parking" or "that area between the sidewalk and the street". This space is public right-of-way that you are responsible to maintain. It could be the front, side and/or rear of your property depending upon where streets are located. This area contains storm sewers, water mains and sanitary sewers among other things. At some time in the future you should expect that this area will be "torn up" for the purpose of replacement or maintenance of those utilities. This area is also snow storage and with the snow comes sand (and salt used to keep the sand from freezing into clumps). Our suggestion is that you not put your prized landscaping feature in this area; think of it as the utility room for your lot.

**Easements** An easement is a right of others to make use of property you own. Most properties in Ankeny have some type of easement located upon them. The most common easement is an easement for public utilities and drainage which is generally located along one or more of the edges of your property. The public utility portion of this easement allows companies like Qwest, MidAmerican Energy, Mediacom and others to install and maintain utility lines serving your neighborhood (or the community). The key word is *maintain*. Most of these lines were, or are, installed prior to, or during, the construction of homes in the neighborhood. As you plan your project you should consider that those companies have a right to come in and perform maintenance on those lines when necessary. No permanent structures or buildings are allowed in these easements. You should check with the companies that have lines located in those easements prior to placing any fencing, landscaping or other type of feature in that easement. Drainage easements are to allow for the creation of a drainageway to carry surface water flows downstream to an outlet. Generally, drainageways exist or are established at the time a subdivision is developed and must not be impeded by any type of structure, fence, berm, improper grading or constriction including landscape elements. Other types of easements exist. Easements for storm sewer, sanitary sewer and water main work much the same way as the public utility easements. To find out about easements on your property you should check your abstract on the property.

**Ditches** The City occasionally receives calls from property owners regarding ditches, drainageways, swales, and cunettes (the concrete strip in the bottom of a drainage swale). The Municipal Code states "Any existing and, when allowed by the council, proposed ditches, drainageways or swales conducting water through or adjacent to a site shall be maintained by the abutting property owner to the curblin/edge of paving, in the case of a roadside ditch, or by the property owner to the property line, in the case of other ditches,

drainageways and swales. The maintenance shall include clearing and mowing to allow natural channel flows and prevent nuisances.." Water has tremendous power, and creeks and ditches provide evidence of that. We know that drainage channels change shape as a result of the flow of water in a channel. Property owners along a creek or ditch should acknowledge and allow room for the water to do what it does naturally, rather than restrain the forces of nature.

**Fences** Permits are required prior to the installation of a fence. The code has requirements for height and location of fences. Generally speaking, 96" fences are allowed in back yards as long as the top two feet is constructed with 70% of the surface area open, front yards are allowed at 48" if open chain link and 42" for all other fence materials except that fences located near intersections of streets or streets and driveways can only be 30" tall. Corner lots are considered to have front yards the full width and length of the street sides of the lot. A yard is defined as the space between the property line and the house. Remember, if you have a double frontage lot (a lot with a street at the front and rear) you are responsible for maintenance of the "parkway" behind the fence; a gate in the back fence makes this much easier.

To be a good neighbor, put the good side of the fence out. The good side of the fence is the side opposite the supporting posts. Remember, a fence on the lot line with the good side out may require trespass on neighboring property to maintain. Talk to your neighbors about what you are planning, maybe they will share in the cost. If they do, write down your agreement on maintenance and make them a copy. Recording this agreement at the Polk County Recorder's office is a good idea. Keep it with your property abstract. Do the same thing if you agree on a part of the fence not being along the property line, but connecting buildings or whatever to close it up.

If your fence crosses a drainage easement or swale keep it up off the ground so that surface water flowage is not impeded.

**Accessory Structures** Accessory structures include detached garages, decks, porches, sheds, gazebos, swimming pools and spas, etc. There are specific code requirements for most of these. These relate to attachments to the house, setbacks from property lines, type and size of material used and accessibility. Accessory structures are required to be located in the rear yard of your property behind the house. The total of all accessory structures cannot occupy more than 10% of the total square footage of the lot and may not exceed 1,010 square feet in size for any single accessory building. There is also a maximum mean height elevation of 12', except for a garage that may be 14'. If your accessory shed or garage is within 6' of the dwelling the interior must be covered with 5/8" type 'X' fire code sheetrock and any opening in walls parallel to the dwelling must be provided with fire-rated self-closing openings.

Be a good neighbor, think about the impact your accessory structure has on your neighbors. Talk to them about what you're planning. Sometimes a slight adjustment can make a big difference. Give your new project the same color, style or character as your house (many restrictive covenants require this).

**Landscaping** Most landscaping is not regulated by the City of Ankeny. There are three exceptions: 1) Street trees (trees planted in the parkway) require a permit and there are restrictions as to the type and species of tree that can be planted. 2) Hedges are considered in the same fashion as fences and are regulated for that purpose. 3) Finally, any planting done in your yard at or near the intersection of streets or streets and driveways (yours or your neighbor's) is regulated with height restrictions.

*The best advice for a landscaping project is to find a resource for the mature size of whatever planting you are going to do. This information is available at most nurseries and at the Iowa State University Extension office. Plan your project based upon the mature sizes of the material you are using. Once again, talk to your neighbor, an oak tree or spruce tree planted 5' from your lot line won't just effect your property. Look for the drainage swales on your property. That low spot in the back yard may not be the best place to put in a raised garden bed or landscaping feature. It could cause the ponding of water on your neighbor's property.*