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Matt Schmitz
331 1st Street E.
Independence, IA 50644

By email only: mschmitz@independenceia.gov

Re: Legal Opinion regarding "Repealer Section in Ordinance 2025-625 adopting SUDAS on City Code Section 175.37

Dear Matt:

At your request, the following memo addresses the suggestion that the City Council Adoption of Sudas by Ordinance 2025-625 worked to repeal City Code Section 175.37.

SUDAS is a guidance document unless and until adopted by the City. It appears that Ordinance No. 2025-625 does in fact adopt SUDAS, therefore the 2025 Statewide Urban Design and Specifications (SUDAS) 2025 Edition has been adopted by the City of Independence.

Under Section III of Ordinance 2025-625, it included standard language noting that conflicting ordinances are repealed.

Therefore, the question is whether Section 175.37 of City Code conflicts with SUDAS and should, therefore, be considered repealed by the adoption of SUDAS. I find that the repealer clause within Ordinance 2025-625 did not repeal City Code §175.37.

To explain my findings and conclusions, I will start by including key language from SUDAS, 2025 Edition.

1A-1 (C) Intent of the SUDAS Design Manual

The values contained herein are considered fundamental concepts of basic design criteria that will serve as a framework for satisfactory design on new improvements. The project engineer is encouraged to develop the design based on this framework and tailored to particular situations that are consistent with the general purpose and intent of the design criteria through the exercise of sound engineering judgment. Situations may arise that require special considerations. Therefore, to eliminate hardships or problems, the jurisdiction may choose to vary the design criteria, procedures, and regulations. Jurisdictions may have a written design supplement that identifies specific modifications from this manual.....

The technical criteria not specifically addressed in the SUDAS Design Manual should follow the provisions of each jurisdiction's own policy or criteria and sound engineering practice. The design standards outlined in this manual are to be considered minimum design standards and a project constructed of entirely minimum standards may not be acceptable to the jurisdiction.

1A-1 (H) Interpretation

The jurisdiction will determine the interpretation and application of the SUDAS Design Manual and their design supplement. Section 1B-1 includes classifications of improvements for a clearer understanding of general policy.

5A-1 Chapter 5 – Roadway Design

5A-1 (A) Concept The primary consideration of this chapter is that all new roadways and major reconstruction of existing corridors provide for safe, efficient, and economic transportation throughout the design life of the roadway. The values contained herein, specifically under design criteria, are to be considered basic design guidelines that will serve as framework for satisfactory design of new street and highway facilities. The Project Engineer is encouraged to develop the design based on this framework and tailored to particular situations that are consistent with the general purpose and intent of the design criteria through the exercise of sound engineering judgment. The design criteria provided herein are divided into two classifications: preferred and acceptable. Designers should strive to provide a design that meets or exceeds the preferred criteria. Situations do arise that require special considerations; therefore, to eliminate hardships or problems, the Engineer may allow an exception to the preferred design criteria upon submittal of justification for such variances by the Project Engineer. Cost effective design is encouraged along with the joint use of the transportation corridor and the consideration of the environment. The values contained herein are not intended as criteria for resurfacing, restoration, or rehabilitation projects

5C-2 Geometric Design Elements

(P) Cul-de-sacs

The length of a cul-de-sac determines how many people are impacted by maintenance operations, traffic accidents, and other incidences that may stop traffic flow. Many Iowa cities limit the length of a cul-de-sac to 500 to 600 feet. Studies indicate the longer the cul-de-sac, the higher the vehicular speeds along it. The 2018 edition of the International Fire Code recommends the length of the cul-de-sac be less than 750 feet unless additional steps such as intermediate turnarounds are implemented. ITE, the Urban Land Institute, and ASCE indicate cul-de-sacs should be less than 1,000 feet long or the length that generates less than 200 trips per day according to the adjacent land use. For single family dwellings that generate 8 to 10 trips per day, the 200 trips per day would be produced by about 20 parcels. Consider building cut through sidewalks or shared use paths at the closed end of the cul-de-sac to improve pedestrian and bicyclist connections to surrounding

neighborhood or land uses. The cut through sidewalk or shared use paths is likely to reduce vehicular trips by encouraging walking and bicycling.

You will find many references in SUDAS that suggest it is to be used as a guideline, a minimum set of standards, a set of standards subject to modification by the City, City Engineer, etc. Key words or phrases to that effect, noted above, and included throughout SUDAS are as follows:

1. Concepts of basic design criteria
2. Framework for satisfactory design on new improvements
3. The project engineer is encouraged to develop the design based on this framework and tailored to particular situations
4. The design standards outlined in this manual are to be considered minimum design standards and a project constructed of entirely minimum standards may not be acceptable to the jurisdiction.
5. The values contained herein, specifically under design criteria, are to be considered basic design guidelines that will serve as framework for satisfactory design of new street and highway facilities. **5C-2 Geometric Design Elements**

On the issue of cul-de-sac length specifically, SUDAS does not set an allowable length, but rather refers to the 2018 International Fire Code recommendation while also noting that many Iowa Cities limit the length of cul-de-sacs to 500 to 600 feet.

In light of the clear intent of SUDAS to be a design manual, not a set of hard and fast rules in most cases, coupled with the fact that SUDAS, when it comes to cul-de-sac length, does not set an allowable length but instead includes recommendations located within the 2018 International Fire Code of a not to exceed length, while specifically referencing that many cities have more restrictive ordinances, I conclude that the repealer clause in Ordinance 2025-625 does not work to repeal City Code §175.37

If the City wants to establish a new or different standard, it is my opinion that it should do so by amending §175.37, not deleting it or treating it as repealed by SUDAS, as for the reasons noted above I don't find that SUDAS answers the question on allowable cul-de-sac length.

Let me know if you have any follow up questions.

Sincerely yours,

Douglas D. Herman

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