



316 2nd St SE, STE 124
P.O. Box 2457
Cedar Rapids, IA 52406-2457
www.lynchdallas.com
dherman@lynchdallas.com
319.200.3717

Holly A. Corkery | Douglas D. Herman
Madison P. Huntzinger | Samantha R. Kuntz
Steven C. Leiding | Daniel M. Morgan
Patrick J. O'Connell | Amy L. Reasner
Bryce E. Schulte | Wilford H. Stone
Of Counsel: Mohammad H. Sheronick

February 3, 2026

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

By email only: mschmitz@independenceia.gov

Re: Legal Opinion regarding Conflicting City Ordinances

Dear Matt:

At your request, and the request of the Mayor, I have prepared the following legal opinion on the issue noted below.

Issue: Whether, when there are two conflicting City Ordinances, the more 'restrictive' or the less 'restrictive' ordinance applies, specifically dealing with the required length of a cul-de-sac.

The City has adopted SUDAS which appears to limit the maximum length of a cul-de-sac to 750'. (Based upon IFC)

The City also adopted, prior to the adoption of SUDAS, City Code §175.37 which limits the maximum length of a cul-de-sac to 500'.

I believe in both cases, the cul-de-sac street would be measured from the center of the street from which the cul-de-sac is constructed to the center of the cul-de-sac.

The Iowa Supreme Court has held that when two city ordinances conflict, courts analyze which provision is more specific or restrictive, often relying on the principle that the more specific ordinance governs over the general one, or that the stricter requirement must be followed to ensure compliance with the overall regulatory scheme. This analysis typically involves determining if the ordinances are "irreconcilable" and interpreting them to give effect to the legislative intent.

Some Cities that have adopted SUDAS, have adopted amendments or exceptions to SUDAS. Urbandale, Iowa, for example, adopted SUDAS subject to the following exception/amendment:

1. Urbandale: Add new paragraph, "Without Jurisdictional Engineer approval, the length [of a cul-de-sac] shall not exceed 600 feet measured from the center line of the intersecting street to the center of the turn-around. The cul-de-sac may not serve more than forty (40) dwelling units."¹

¹ City of Urbandale Design Addendum To Iowa Statewide Urban Design and Specifications Design Manual for Public Improvements – 2025 Edition January 2025

Therefore, so long as the two current City Ordinances remain in effect, the ordinance limiting the length of a cul-de-sac to 500' would be the applicable and enforceable ordinance.

Sincerely yours,

Douglas D. Herman

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