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ORDINANCE NO. ____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HIAWATHA, IOWA, 1996, BY AMENDING CHAPTER 165 UNIFIED DEVELOPMENT CODE §165.47 LANDSCAPING AND SHADING REGULATIONS, §165.53 MINIMUM IMPROVEMENTS, AND §165.96 DEFINITIONS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIAWATHA, IOWA:

SECTION 1. Chapter 115 Utility Lines of the Code of Ordinances of the City of Hiawatha, Iowa, 1996, is hereby amended as follows:

165.47 LANDSCAPING AND SHADING REGULATIONS. The purpose of this section is to promote and protect the safety and welfare of the public through requirements for landscaping and shading which prevent soil erosion, improve air and water quality and enhance and preserve the beauty and appearance of the environment……

5. Subdivision Landscape and Shade Requirements.

C. Shading.

(1) Along both sides of all newly created streets in all R-7, C-ORS, C-2 and C-R Zone Districts that are constructed in accordance with the public street standards set forth in Section 165.58~~(1) and the Cedar Rapids Metropolitan Area Engineering Design Standards~~ there shall either be planted or retained sufficient trees so that between the paved portion of the street and a line running parallel to and 50 feet from the centerline of the street, there is for every 40 feet of street frontage at least an average of one deciduous tree that has or will have when fully mature a trunk at least 12 inches in diameter. When trees are planted pursuant to this section, the developer shall choose trees that meet the standards set forth in Appendix A.

165.53 MINIMUM IMPROVEMENTS. The improvements set forth below shall be considered the minimum improvements necessary to protect the public health, safety, and welfare. Design of the improvements shall be in accordance with the ~~Cedar Rapids Metropolitan Area Engineering Design Standards~~ Engineering Standards adopted by resolution by the Hiawatha City Council in accordance with Hiawatha Code Section 165.58.

165.96 DEFINITIONS. The following definitions shall govern the interpretation of the regulations of the City of Hiawatha Unified Development Code.

39. "City Standards" means the design of improvements shall be in accordance with the ~~Cedar Rapids Metropolitan Area Engineering Design Standards~~ Engineering Standards as adopted by Resolution of the Hiawatha City Council in accordance with Hiawatha Code Section 165.58.

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SECTION 2. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

PASSED AND APPROVED this 19th day of December, 2018.

_____
Bill Bennett, Mayor

ATTEST:

_____
Kari Graber, Deputy Clerk

I, Kari Graber, Deputy City Clerk of the City of Hiawatha, Iowa, do hereby certify that the foregoing ORDINANCE was PASSED and APPROVED by the City Council of the City of Hiawatha, Iowa, on the 19th day of December, 2018, and was published as Ordinance No. _____ on the _____ day of December, 2018.

_____
Kari Graber, Deputy Clerk