

**AGENDA
CITY OF SWARTZ CREEK
PLANNING COMMISSION
PAUL D. BUECHE MUNICIPAL BUILDING
VIRTUAL (ZOOM) MEETING AVAILABLE FOR GENERAL PUBLIC
TUESDAY, SEPTEMBER 7, 2021, 7:00 P.M.
CALL TO ORDER:**

1. PLEDGE OF ALLEGIANCE:

2. ROLL CALL: Binder, Campbell, Cramer, Grimes, Henry, Keene, Krueger, Long, Wyatt.

3. APPROVAL OF AGENDA:

4. APPROVAL OF MINUTES:

5. CORRESPONDENCE:

- A. Resolutions
- B. Minutes: August 3, 2021
- C. Staff Meeting Letter
- D. Mundy Pond Ordinance

6. MEETING OPENED TO PUBLIC (NON-PUBLIC HEARING ITEMS):

7. BUSINESS:

- A. Master Plan Update
- B. Zoning Ordinance: Basement Requirements PUBLIC HEARING
- C. Zoning Ordinance: Pond Requirements

8. MEETING OPENED TO THE PUBLIC:

9. REMARKS BY PLANNING COMMISSION MEMBERS:

10. ADJOURNMENT:

**RESOLUTIONS
CITY OF SWARTZ CREEK
PLANNING COMMISSION
PAUL D. BUECHE MUNICIPAL BUILDING
TUESDAY, AUGUST 3, 2021, 7:00 P.M.**

Resolution No. 210907-01 **AGENDA OF SEPTEMBER 7, 2021**

Motion by Planning Commission Member: _____

I Move the Swartz Creek Planning Commission approves the agenda for the September 7, 2021 Planning Commission meeting.

Second by Planning Commission Member: _____

Voting For: _____

Voting Against: _____

Resolution No. 210907-02 **MINUTES OF AUGUST 3, 2021**

Motion by Planning Commission Member: _____

I Move the Swartz Creek Planning Commission approves the Minutes for the August 3, 2021 Planning Commission meeting.

Second by Planning Commission Member: _____

Voting For: _____

Voting Against: _____

Resolution No. 210907-03 **RESOLUTION TO RECOMMEND ADOPTION OF THE
BASEMENT DESIGN GUIDELINES ORDINANCE**

Motion by Planning Commission Member: _____

WHEREAS, the Public Act 110 of 2006, the Michigan Zoning Enabling Act, enables cities to regulate land use through the creation and enforcement of zoning maps and regulations, and

WHEREAS, the city, in pursuing certification as a Redevelopment Ready Community, performed a zoning audit that revealed the need for incremental changes to the zoning ordinance and;

WHEREAS, the planning commission, with the assistance of staff, and input by the public, reviewed specific changes to the zoning ordinance at their regular meeting on September 7, 2021, and;

WHEREAS, the planning commission, at a public hearing at their meeting on September 7, 2021 and in reviewing the criteria in Zoning Ordinance Section 31.04, found the proposed zoning ordinance amendments to be in the best interest of the public.

THEREFORE, I MOVE the City of Swartz Creek ordains:

CITY OF SWARTZ CREEK
ORDINANCE NO. 453

An ordinance to amend the Code of Ordinances: Zoning Appendix A to remove and replaced certain sections, add new section for Conditional Uses, and sequence the code to reflect a new numbering configuration

THE CITY OF SWARTZ CREEK ORDAINS:

Section 1. Removal and replacement of Articles from Appendix A of the Code of Ordinances.

The City hereby removes Article 13.03.B.1 from the Code of Ordinances of Appendix and and replaces it with the following:

All building permit applications for new one-family and two-family housing development must be submitted to the zoning administrator for approval.

Section 2. Addition of Zoning Appendix A Section 13.03.C.4: Basements.

The City hereby amends the code of ordinances to include a new Section 13.03.C.4, Basements, to the Zoning Appendix A of the Code of Ordinances to read as follows:

That the structure shall be firmly attached to a permanent basement foundation constructed on the site in accordance with the City Building Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such material and type as required in the applicable building code for single-family and two-family dwellings. In the event that the dwelling is a mobile home, modular home, or pre- constructed home, then such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required above.

Section 3. Effective date.

This Ordinance shall take effect thirty (30) days following publication.

Second by Planning Commission Member: _____

Voting For: _____

Voting Against: _____

Resolution No. 210907-04 **ADJOURN**

Motion by Planning Commission Member: _____

I Move the Swartz Creek Planning Commission adjourns the September 7, 2021 Planning Commission meeting.

Second by Planning Commission Member: _____

Voting For: _____

Voting Against: _____

**CITY OF SWARTZ CREEK
VIRTUAL PLANNING COMMISSION BOARD MEETING
ACCESS INSTRUCTIONS
TUESDAY, SEPTEMBER 7, 2021 7:00 P.M.**

The Planning Commission meeting of September 7, 2021 at 7:00 p.m. will be conducted as a hybrid meeting, with commissioners, staff, consultants, petitioners, and public attending in-person. The meeting will also be held virtually (online and/or by phone) to non-commissioners, due to health concerns surrounding Coronavirus/COVID-19.

To comply with the **Americans with Disabilities Act (ADA)**, any citizen requesting accommodation to attend this meeting, and/or to obtain the notice in alternate formats, please contact Connie Olger, 810-429-2766 48 hours prior to meeting,

Zoom Instructions for Participants

To join the conference by phone:

1. On your phone, dial the teleconferencing number provided below.
2. Enter the **Meeting ID** number (also provided below) when prompted using your touch-tone (DTMF) keypad.

Before a videoconference:

1. You will need a computer, tablet, or smartphone with speaker or headphones. You will have the opportunity to check your audio immediately upon joining a meeting.
2. Details, phone numbers, and links to videoconference or conference call is provide below. The details include a link to “**Join via computer**” as well as phone numbers for a conference call option. It will also include the 9-digit Meeting ID.

To join the videoconference:

1. At the start time of your meeting, enter the link to join via computer. You may be instructed to download the Zoom application.
2. You have an opportunity to test your audio at this point by clicking on “Test Computer Audio.” Once you are satisfied that your audio works, click on “Join audio by computer.”

You may also join a meeting without the link by going to join.zoom.us on any browser and entering the Meeting ID provided below.

If you are having trouble hearing the meeting, you can join via telephone while remaining on the video conference:

1. On your phone, dial the teleconferencing number provided below.
2. Enter the **Meeting ID number** (also provided below) when prompted using your touchtone (DMTF) keypad.
3. If you have already joined the meeting via computer, you will have the option to enter your participant ID to be associated with your computer.

Participant controls in the lower left corner of the Zoom screen:



Using the icons in the lower left corner of the Zoom screen you can:

- Mute/Unmute your microphone (far left)
- Turn on/off camera (“Start/Stop Video”)
- Invite other participants
- View participant list-opens a pop-out screen that includes a “Raise Hand” icon that you may use to raise a virtual hand during Call to the Public
- Change your screen name that is seen in the participant list and video window
- Share your screen

Somewhere (usually upper right corner on your computer screen) on your Zoom screen you will also see a choice to toggle between “speaker” and “gallery” view. “Speaker view” show the active speaker.

Topic: City of Swartz Creek Planning Commission Meeting
Time: September 7, 2021 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting
<https://us02web.zoom.us/j/5699610014>

Meeting ID: 569 961 0014
One tap mobile
+13126266799,,5699610014# US (Chicago)
+19292056099,,5699610014# US (New York)

Dial by your location
+1 312 626 6799 US (Chicago)
+1 929 205 6099 US (New York)
+1 301 715 8592 US (Washington DC)
+1 346 248 7799 US (Houston)
+1 669 900 6833 US (San Jose)
+1 253 215 8782 US (Tacoma)

Meeting ID: 569 961 0014
Dial your local number: <https://us02web.zoom.us/j/5699610014>

If you have any further questions or concern, please contact 810-429-2766 or email colger@cityofswartzcreek.org. A copy of this notice will be posted at City Hall, 8083 Civic Drive, Swartz Creek, Michigan.

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CITY OF SWARTZ CREEK
VIRTUAL (ELECTRONIC) MEETING RULES AND PROCEDURES

In order to conduct an effective, open, accessible, and professional meeting, the following protocols shall apply. These protocols are derived from the standard practices of Swartz Creek public meetings, Roberts Rules of Order, and city board & commission procedures. These procedures are adopted to govern participation by staff, councilpersons and members of the public in all City meetings held electronically pursuant to PA 228 of 2020. Note that these protocols do not replace or eliminate established procedures or practices. Their purpose is to augment standing expectations so that practices can be adapted to a virtual meeting format.

The following shall apply to virtual meetings of the city’s public bodies that are held in accordance with the Open Meetings Act.

1. Meetings of the City Council, Planning Commission, Zoning Board of Appeals, Downtown Development Authority, Park Board, or committees thereunder may meet electronically or permit electronic participation in such meetings insofar as (1) the Michigan Department of Health and Human Services restricts the number of persons who can gather indoors due to the COVID-19 pandemic; (2) persons have an illness, injury, disability or other health-related condition that poses a risk to the personal health or safety of members of the public or the public body if they were to participate in person; or (3) there is in place a statewide or local state of emergency or state of disaster declared pursuant to law or charter by the governor or other person authorized to declare a state of emergency or disaster.
2. All meetings held hereunder must provide for two-way communication so that members of the public body can hear and respond to members of the general public, and vice versa.
3. Members of the public body who participate remotely must announce at the outset of the meeting that he/she is in fact attending the meeting remotely and by further identifying the specific physical location (by county, township, village and state) where he/she is located. The meeting minutes must include this information.
4. Notice of any meeting held electronically must be posted at the City Offices at least 18 hours before the meeting begins and must clearly explain the following:
 - (a) why the public body is meeting electronically;
 - (b) how members of the public may participate in the meeting electronically, including the specific telephone number, internet address or similar log-in information needed to participate in the meeting;
 - (c) how members of the public may contact members of the public body to provide input or ask questions on any business that will come before the public body at the meeting;
 - (d) how persons with disabilities may participate in the meeting.
5. The notice identified above must also be posted on the City’s website homepage or on a separate webpage dedicated to public notices for non-regularly scheduled or electronic public meetings that is accessible through a prominent and conspicuous link on the website’s homepage that clearly describes the meeting’s purpose.

6. The City must also post on the City website an agenda of the meeting at least 2 hours before the meeting begins.
7. Members of the public may offer comment only when the Chair recognizes them and under rules established by the City.
8. Members of the public who participate in a meeting held electronically may be excluded from participation in a closed session that is convened and held in compliance with the Open Meetings Act.

MAINTAINING ORDER

Public body members and all individuals participating shall preserve order and shall do nothing to interrupt or delay the proceedings of public body.

All speakers shall identify themselves prior to each comment that follows another speaker, and they shall also indicate termination of their comment. For example, "Adam Zettel speaking. There were no new water main breaks to report last month. That is all."

Any participants found to disrupt a meeting shall be promptly removed by the city clerk or by order of the Mayor. Profanity in visual or auditory form is prohibited.

The public body members, participating staff, and recognized staff/consultants/presenters shall be the only participants not muted by default. All other members must request to speak by raising their digital hand on the Zoom application or by dialing *9 on their phone.

MOTIONS & RESOLUTIONS

All Motions and Resolutions, whenever possible, shall be pre-written and in the positive, meaning yes is approved and no is defeated. All motions shall require support. A public body member whom reads/moves for a motion may oppose, argue against or vote no on the motion.

PUBLIC ADDRESS OF BOARD OR Commission

The public shall be allowed to address a public body under the following conditions:

1. Each person who wishes to address the public body will be first recognized by the Mayor or Chair and requested to state his / her name and address. This applies to staff, petitioners, consultants, and similar participants.
2. Individuals shall seek to be recognized by raising their digital hand as appropriate on the digital application.
3. Petitioners are encouraged to appropriately identify their digital presence so they can be easily recognized during business. If you intend to call in only, please notify the clerk in advance of your phone number.
4. The city clerk shall unmute participants and the members of the public based upon the direction of the mayor or chair. Participants not recognized for this purpose shall be muted by default, including staff, petitioners, and consultants.
5. Individuals shall be allowed five (5) minutes to address the public body, unless special permission is otherwise requested and granted by the Mayor or Chair.
6. There shall be no questioning of speakers by the audience; however, the public body, upon recognition of the Mayor or Chair, may question the speaker.

7. No one shall be allowed to address the public body more than once unless special permission is requested, and granted by the Mayor or Chair.
8. One spokesperson for a group attending together will be allowed five (5) minutes to address the public body unless special permission has been requested, and granted by the Mayor or Chair.
9. Those addressing the public body shall refrain from being repetitive of information already presented.
10. All comments and / or questions shall be directed to and through the Mayor or Chair.
11. Public comments (those not on the agenda as speakers, petitioners, staff, and consultants) are reserved for the two "Public Comment" sections of the agenda and public hearings.

VOTING RECORD OF PUBLIC BODIES

All motions, ordinances, and resolutions shall be taken by "YES" and "NO" voice vote and the vote of each member entered upon the journal.

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF PLANNING COMMISSION MEETING
AUGUST 3, 2021**

Virtual Meeting called to order at 7:00 p.m. by Commissioner Wyatt.

Pledge of Allegiance.

ROLL CALL:

Commissioners present: Binder, Long, Keene, Grimes, Krueger, Henry, Wyatt

Commissioners absent: Campbell.

Staff present: Adam Zettel, City Manager.

Others present: Robert Plumb.

APPROVAL OF AGENDA:

Resolution No. 210803-01 **(Carried)**

Motion by Commissioner Krueger support by Commissioner Grimes, the Swartz Creek Planning Commission approves the agenda as amended for the August 3, 2021 Planning Commission meeting.

Unanimous Voice Vote
Motion Declared Carried

APPROVAL OF MINUTES:

Resolution No. 210803-02 **(Carried)**

Motion by Commissioner Henry support by Commissioner Binder the May 4, 2021 Planning Commission meeting.

Unanimous Voice Vote
Motion Declared Carried

MEETING OPENED TO THE PUBLIC:

None.

BUSINESS:

Selection of Vice Chair

Resolution No. 210803-03 **(Carried)**

Motion by Planning Commission Member Henry
Second by Planning Commission Member Binder

I Move, the Swartz Creek Planning Commission selects Commissioner Henry to serve as the Planning Commission Vice Chair for the remainder of term commencing immediately and ending at the next annual meeting or as stated in the bylaws.

YES: Keene, Grimes, Krueger, Henry, Wyatt, Binder, Long.
NO: Motion Declared Carried.

Master Plan Audit

Discussion

Mr. Zettel reviewed the Master Plan process and stated it is due for review. The State of Michigan Planning Enabling Act requires that we review/update our plan every five years. In the last five years the city has been certified a Redevelopment Readiness Community which has allowed us to get 50% funding for Master Plan Amendment Proposal.

Smith Group will be working with us through this process. They recommend forming a steering committee.

Mr. Zettel reviews items in the plan that are going to be changed/updated and documented requested changes from commissioners. He recommends the commissioners to email him with any additional changes or updates to the plan they find after today's meeting.

Steering Committee

Resolution No. 210803-04

(Carried)

Motion by Planning Commission Member Grimes
Second by Planning Commission Member Krueger

I Move, the Swartz Creek Planning Commission appoints Commissioner Keene and Commissioner Henry to serve on the Steering Committee.

Unanimous Voice Vote
Motion Declared Carried

Zoning Ordinance Basement Requirements

Resolution No. 210803-05

(Carried)

Motion by Planning Commission Member Long
Second by Planning Commission Member Henry

I Move, the Swartz Creek Planning Commission proceeds to move forward with the Zoning amendment for basement requirements.

Unanimous Voice Vote
Motion Declared Carried

Meeting Open to Public:

None.

Remarks by Planning Commission:

Commissioner Krueger is looking forward to the updated master plan.
Commissioner Wyatt encourages members to seek training & there is a need for a new planning commission member. Mr. Zettel also encourages members to seek training.
Commissioner Henry wondered if there is an ordinance on trash can placement. Mr. Zettel responded we have none.
Commissioner Keene informative tonight and appreciates the warm welcoming.

Adjourn

Resolution No. 200803-06

(Carried)

Motion by Planning Commission Member Grimes
Second by Planning Commission Member Henry

I Move the Swartz Creek Planning Commission adjourns the August 3, 2021 Planning Commission meeting.

Unanimous Voice Vote
Motion Declared Carried

Meeting adjourned at 8:37 p.m.

Betty Binder, Secretary



Adam Zettel, AICP

City Manager

azettel@cityofswartzcreek.org

Date: September 1, 2021

To: Planning Commissioners
From: Adam Zettel, AICP
RE: September 7, 2021 Planning Commission Meeting

Hello everyone,

We will be meeting at 7:00 p.m. on September 7, 2021. Commissioners MUST attend in-person unless excluded due to illness or military service. However, we shall be conducting the meeting using the Zoom application for the benefit of the general public. Note that we will have one new member, Mr. Dennis Cramer, who is replacing Mr. Zuniga.

I think we had a good meeting in August, in terms of going over the master plan. I have also gotten very thorough comments from a couple commissioners that I have passed along directly. Work is ongoing with the plan! Census numbers are coming in slowly, but it is unclear how much data will be available in a timely manner to include in the plan.

However, we had our first meeting of the downtown focus group, and that went well. We will also have a meeting of the steering committee at 5:30pm on September 7th. We should have a very fresh update on the plan at our meeting. I am putting the master plan on the agenda for discussion, but I do not expect any new materials or work items at our meeting.

In addition to the master plan, the commission agreed that we can and should beef up our zoning ordinance that requires basements. Based upon our need and discussion, I am including language that would serve as the updated ordinance. This is included directly in the resolution. The change is small in scope, but sufficient in its impact. Please take a look and refer to the larger ordinance as needed. This has been published for a public hearing. If agreeable, the next step is the city council for a formal ordinance change.

In addition, we have run into an issue with ponds. While the city requires an administrative zoning review for ponds, there are not objective standards. In the past, the building official and the county reviewed such plan using best practices for grading, soil erosion, and drainage management. However, this is not very predictable for

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September 7, 2021
Planning Commission

applications, nor is it objective from a zoning review stand point. As such, I am hopeful that the commission will pursue an ordinance for ponds as well.

I am including the Mundy Township ordinance as an example (this is a good place to start since Mundy and SC share building review services & inspectors). They are also known to have a scrutinizing ordinance. I like the bones of it, but there are a few areas where it goes beyond what we need for a small lot ponds. For example, I do not they that every pond excavation requires a full site plan and review by the commission.

At any rate, please take a look. Feel free to explore other ordinances. I have put this on the agenda only for discussion. If the commission desires an ordinance, we can have more conversation about what it should include. As with the basement change, a public hearing and formal adoption by the council is required to implement any such provisions.

Take a look and think it over. If agreeable, we can set a public hearing for October and see the ordinance in draft form. That is all for now. Contact me with questions or comments. If I get other materials, I will send them along!

Sincerely,



Adam H. Zettel, AICP
City Manager
City of Swartz Creek
azettel@cityofswartzcreek.org

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Mundy Township Pond Zoning Ordinance

(a) Intent. The regulations set forth in this section are designed to provide for the regulation of ponds and to specify the conditions and circumstances under which such ponds may be developed to protect the health, safety, and general welfare of the residents of the community, preserve ecologically important features, and to prohibit development which, unregulated, may have an adverse effect upon the existing aesthetic character of the township.

(b) General provisions.

(1) It shall be unlawful for any person, firm, corporation, or partnership, or other organization or entity to construct a pond within the township without first securing a construction permit from the building official.

(2) A pond shall not be constructed on a lot or parcel of land which is less than one and one-half acres in size.

(3) Water shall be maintained in all pond excavations.

(4) All soil and similar materials excavated during the construction of the pond shall remain on the property.

(5) Neither the excavation nor the pond shall cover more than 25% of the lot area.

(c) Application and review procedures.

(1) Application shall be made to the township building official. Applications shall contain the following information:

a. Name and address of the applicant.

b. Legal description of the property upon which the pond will be established.

c. Site plan submitted in accordance with article XXVIII, Site Plan Review Procedures.

(2) Evidence shall also be presented at the time of application that the Genesee County Drain Commission and Michigan Department of Environmental Quality have granted the necessary permits and/or approvals to the applicant for the construction of the pond or have released the applicant from any obligation thereto.

(3) The applicant shall also, at the discretion of the building official at the time of application, provide evidence from a licensed excavator, civil engineer, or similar allied professional that water can be continuously maintained in the pond once it is constructed, that the drainage pattern of the site will preclude drainage of

water onto adjacent property or toward buildings, and that the natural or manmade drainage pattern of the area will remain unaffected.

(4) The township planning commission shall review and approve applications for a pond construction permit and shall consider all relevant factors including:

- a. The parcel contains natural land forms which are so arranged that the change of elevation within the site includes slopes of ten percent or less;
- b. The subject site and/or adjoining properties do not contain natural assets including trees, woodlots, endangered species habitats, wetlands, 100-year floodplains, natural watersheds, or similar features that would be altered by the establishment of the pond;
- c. The outside edge of the pond is not within 50 feet of an existing county drain;
- d. The proposed pond is not located within 200 feet of a public right-of-way, private easement, or school site; and,
- e. The proposed pond is not within 50 feet of an existing state-regulated wetland.

(d) [Requirements.] All ponds shall meet the following requirements:

- (1) The minimum setback distance for the pond shall be a minimum of 50 feet from any property line. A pond may cross a property line only when all properties are owned by the applicant or upon submittal of an easement reviewed and accepted by the planning commission allowing such occupation.
- (2) There shall be a distance of not less than 25 feet between the outside edge of the pond and any building.
- (3) There shall be a distance of not less than 200 feet from any overhead transmission lines.
- (4) Slopes of the excavation shall not exceed a ratio of six feet horizontal to one foot vertical, to a depth below water of six feet.
- (5) All areas disturbed during construction shall be seeded with grasses and maintained in good condition to prevent erosion.
- (6) The township planning commission may, at its discretion, require the installation of a fence not less than four feet in height to protect the health, safety, and welfare of the property owners and/or tenants, neighboring uses, and township residents.

(e) [Private ponds.] Private ponds shall be allowed as an accessory use.

(f) Limitations.

(1) Construction of a pond shall be completed within 12 months of the issuance of the construction permit. Extensions may be granted by the planning commission for cause shown.

(2) The requirements contained herein shall not relieve the applicant from complying with other land development or environmental standards established by the township or by other public agencies having jurisdiction.

(3) No pond shall be constructed which disturbs existing natural assets including trees, woodlots, endangered species habitat, wetlands, 100-year floodplains, or similar features which, in the opinion of the planning commission, offers community benefit.

In determining whether the construction and maintenance of the proposed pond negatively impacts the public interest, the benefit which would reasonably be expected to accrue from the proposal shall be balanced against the reasonably foreseeable detriments of constructing or maintaining the pond where intended, taking into consideration the local, state, and national concern of protecting and preserving the natural feature in question. If, as a result of such balancing, there remains a debatable question whether the proposed pond negatively impacts the public interest, authorization for its construction and maintenance shall not be granted. The following general criteria shall be applied in undertaking this balancing test:

- a. The relative extent of the public and private need for the proposed pond;
- b. The availability of feasible and prudent alternative locations for the proposed pond;
- c. The extent and permanence of the beneficial or detrimental effects which the proposed pond may have on the public or private use to which the area is suited, including the benefits the natural feature(s) provide;
- d. The probable impact on recognized historic, cultural, scenic, ecological, or recreational values, and on fish and wildlife, and the public health;
- e. The size of the natural feature being affected;
- f. Proximity of the proposed pond in relation to the natural feature, taking into consideration the degree of slope, general topography in the area, soil type, and the nature of the natural feature to be protected; and,
- g. Economic value, both public and private, of the proposed pond and economic value, both public and private, if the proposed pond or lake were not permitted.

(g) Fees required.

- (1) Fees for the review of applications for the purpose of obtaining a construction permit for a pond shall be established by resolution of the township board.
- (2) Bonding or insurance shall be required in accordance with Section 25.09.