

**Publicly Initiated Text Amendment – City Council Directed
Request to Amend Code Sections 27-147, 27-148, and 27-151.
Amendment Cycle: July 15, 2021**

Sec. 27-147. – Amendment initiation.

Subject to the limitations of the foregoing statement of intent, an amendment to this chapter may be initiated by:

- (1) The city council on its own motion; or
- (2) The code administrator.
- (3) ~~Application by any property owner or his or her agent or a citizen or his or her agent.~~

Publicly initiated amendments to this chapter shall be processed in accordance with the cycles established in Section 27-151 and the schedule published by the Code Administrator. “

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Sec. 27-148. - Procedure for area and parcel rezoning amendment applications.

- (a) ~~Text amendments. Every application for amendments to this chapter shall contain the information described below. Additional material may be filed at the applicant's option.~~
- (1) ~~The application shall be typewritten, signed and sworn to by the applicant or his authorized agent and shall include the post office address of the applicant.~~
- (2) ~~It shall state the reason why such regulations, restrictions or boundaries should be amended, supplemented, changed or repealed, and shall include the existing code language and the proposed text changes for review.~~
- (3) ~~It shall set out, if applicable, any alleged error in this chapter which would be corrected by the proposed amendment with a detailed explanation of such error in the ordinance and detailed reasons how the proposed amendment will correct such error.~~
- (4) ~~It shall set out the changed or changing conditions, if any, in a particular area of the city generally which make the proposed amendment reasonably necessary to the promotion of the public health, safety and general welfare.~~
- (5) ~~It shall set out the manner in which the proposed amendment will carry out the intent and purpose of and provide conformance with the Tampa Comprehensive Plan.~~
- (6) ~~It shall set out all other circumstances, factors and reasons which the applicant offers in support of the proposed amendment.~~
- (7) ~~The application shall be filed with the code administrator shall for presentation to the city council and referral to the appropriate city departments. Applications for all text amendments related to this chapter shall be processed on a semi-annual basis. The code administrator shall develop and maintain a schedule for processing said amendments (see section 27-151).~~
- (8) ~~The applicant shall be responsible to pay a fee for the text amendment processing upon filing the application with the code administrator.~~
- (ab) Area rezoning. An area rezoning is deemed to mean any proposed change to the official zoning atlas which is initiated by:
- (1) The city council on its own motion; or
- (2) Application, by any person other than the owner of the property or his agent; or
- (3) Application, by any person or his agent, for a rezoning which involves ten (10) contiguous acres of land or more.
- (4) Every application for an area rezoning filed under subsection (b) above shall contain the information described below. Additional material may be presented at the applicant's option:
- a. All items required in subsection (c)(1) and (2) below.

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- b. A transportation analysis, prepared by a professional traffic engineer or approved by the city traffic engineer, when required, shall be submitted with all area rezoning applications. The analysis shall include the total trips generated by the rezoning and the distribution of the trips onto adjacent streets. Institute of Traffic Engineers (ITE) trip generation rates or other approved source shall be used as the basis for trip generation calculations.
- (5) The applicant shall pay a fee, as established by the city council by resolution, which covers the city's cost and expense in connection with the handling and processing of the zoning application. The fee shall be paid at the time of filing. No refund of the fee shall be made after the application is filed. However, by a majority, the city council may authorize the director of revenue and finance to refund the filing fee in any case where, due to administrative error and without applicant's fault, the rezoning application has been unnecessarily filed.
- (6) Processing schedule.
 - a. Euclidean and site plan district area rezoning applications.
 - 1. Upon receipt of a complete application, the zoning administrator shall assign a tentative public hearing date. Upon the zoning administrator certifying that the application is complete. City council shall set the date and time for the public hearing by resolution.
 - 2. Refer to (c)(4)a. below for processing procedures for Euclidean area rezoning applications.
 - 3. Refer to (c)(4)b. below for processing procedures for site plan district area rezoning applications.
 - b. Transportation analysis (when required).
 - 1. Prior to submittal of the application for rezoning, the applicant shall be required to meet with the transportation division, in order to define the appropriate methodology for the analysis.
 - 2. The analysis is due upon submittal of the application and the transportation division shall have a minimum of thirty (30) days to review any analysis submitted in support of the application. Any revisions to an analysis may require additional review time beyond the initial thirty (30) day review period, unless otherwise determined by the director of public works.
 - c. If the applicant fails to comply with any of the requirements as set forth in section (b)(4)—(6) above, the application shall be required to continue to a later public hearing date. The zoning administrator shall advise the city council of the next available public hearing date. Upon the zoning administrator certifying that the application is complete, city council shall set the date and time for the public hearing by resolution. For purposes of this subsection, "available public hearing date" means an agenda item position, on an evening city council agenda, that is open and available per city council's adopted Rules of Procedure.

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City council, by unanimous vote, may elect to add additional agenda item positions on any evening city council agenda and shall pass a resolution scheduling a date and time for the area rezoning public hearing. In this event, the application must comply with the public notice requirements of section 27-149 and the final site development plan deadline per (6)a.3.i. above.

- (7) *Adoption by city council.* Area rezonings shall be adopted in the same manner as parcel rezonings, subsection (c)(5) below.
- (be) *Parcel rezonings: receipt of applications and associated documents.* Applications shall be filed with the zoning administrator. The zoning administrator shall receive, certify, and make recommendations on applications for rezoning, and once certified, shall transmit one (1) copy of the completed application to the city clerk for placement on the applicable city council agenda for public hearing. Every application for parcel rezonings shall contain, at a minimum, the information described below.
 - (1) *Euclidean parcel rezoning.*
 - a. The application shall be typewritten, signed and sworn to by the applicant or his authorized agent and shall include the post office address of the applicant and the property owner.
 - b. It shall give an accurate legal description of the land involved, including street address, if any, and the names of all owners, mortgage holders, lienors and lessees.
 - c. It shall list all owners of the property which is the subject of the application, together with all owners of property within two hundred fifty (250) feet, including roads or streets, in any direction from the property line of the property which is the subject of the application, the names and addresses of all such owners to be obtained by reference to the latest ad valorem tax records.
 - d. It shall give the existing district zoning classification of the land and the district zoning classification to which it is desired a change be made.
 - e. It shall have attached a sealed survey, which contains boundary, topographic, and tree location information.
 - f. Any other information, as required by the zoning administrator, that may be needed to certify the application.
 - (2) *Site plan district parcel rezoning.*
 - a. All requirements noted in (c)(1) above.
 - b. All requirements noted in section 27-138.
 - (3) The applicant shall pay a fee, as established by the city council by resolution, which covers the city's cost and expense in connection with the handling and processing of the zoning application. The fee shall be paid at the time of filing. No refund of the fee shall be made after the application is filed. However, by a majority vote, city council may authorize the director of revenue and finance to refund the filing fee in any case where, due to administrative error and without applicant's fault, the rezoning application has been unnecessarily filed.

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(4) Processing schedule.

- a. *Euclidean parcel rezoning applications.*
 1. Upon receipt of a complete application, the zoning administrator shall assign a tentative public hearing date.
 2. For Euclidean parcel rezoning applications, attendance at a DRC meeting is not required.
 3. The zoning administrator shall distribute the application to DRC and compile all its findings and recommendations into one (1) consolidated report. Said findings and recommendations shall be based on the DRC review of the application and transmitted to city council.
 - b. *Site plan district parcel rezoning applications.*
 1. Upon receipt of a complete application, the zoning administrator shall assign a tentative public hearing date.
 2. For site plan district parcel rezoning applications, the applicant or assigned agent shall be required to attend a development review committee (DRC) meeting, which shall be held approximately thirty (30) days following the application filing date.
 3. Final site plan is due to the zoning administrator no later than thirty (30) days following the scheduled DRC meeting date. The zoning administrator will redistribute the revised site plan to the DRC for any final comments to be incorporated into the consolidated report.
- If the final site plan demonstrates substantial revision(s) from the site plan reviewed by DRC, the zoning administrator shall reassign the application to the next available public hearing date, as defined in (c)(4)d. below. If necessary, a new DRC meeting may be held. For purposes of this section, the zoning administrator shall deem a substantial revision to exist where:
- i. There is an increase of greater than five (5) percent in the total number of dwelling units; or,
 - ii. There is an increase of greater than five (5) percent in the total floor area for non-residential and/or mixed use developments; or,
 - iii. There is a decrease of five (5) percent or more of the acreage set aside for open space (unpaved); or,
 - iv. There is a modification in the original design concept/site layout, such as a substantial change in relationships among land uses, addition of a permitted use not shown in the initially reviewed site plan, substantial change in traffic pattern or points of ingress or egress, and/or an increase of ten (10) percent in total external traffic generation based on previously submitted traffic generation figures; or,

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- v. There is a change in design and location of the proposed stormwater facility that negatively impacts a surrounding residential neighborhood; or,
 - vi. There are either cumulative or concurrent sub-threshold changes proposed that require review by two (2) or more DRC member agencies.
4. The zoning administrator shall distribute the application to DRC and compile all its findings and recommendations into one (1) consolidated report. Said findings and recommendations shall be based on the DRC review of the final site plan and transmitted to city council.
- c. *Transportation analysis (when required).*
 1. Prior to submittal of the application for rezoning, the applicant shall be required to meet with the transportation division, in order to define the appropriate methodology for the analysis.
 2. The analysis is due upon submittal of the application and the transportation division shall have a minimum of thirty (30) days to review any analysis submitted in support of the application. Any revisions to an analysis may require additional review time beyond the initial thirty (30) day review period, unless otherwise determined by the director of public works.
 - d. If the applicant fails to comply with any of the requirements as set forth in (4) above, or submits a final site plan that demonstrates substantial revision(s), the zoning administrator shall reassign the application to the next available public hearing date. For purposes of this subsection, "available public hearing date" means an agenda item position, on an evening city council agenda, that is open and available per city council's adopted rules of procedure.

City council, per "City Council Rules of Procedure," may elect to add additional agenda item positions on any evening city council agenda, or may allow a position to be added on a day city council agenda. In this event, the zoning administrator may adjust the public hearing date for any application, so long as that application complies with the public notice requirements of section 27-149 and the final site development plan deadline per (2)(c) above.

- (5) *Adoption by city council.*
 - a. *First reading public hearing.* The first public hearing shall be held concurrent with the first reading of the rezoning ordinance ("first reading public hearing"). If no revisions are required to the site plan, then city council shall proceed pursuant to (5)a.3. below. If revisions to the site plan are required, the following provisions apply:
 1. *Minor site plan revisions.* If any minor revisions to the final site plan are necessary as a result of issues identified prior to or during the first reading public hearing, then those minor revisions shall be clearly articulated and approved by city council prior to the close of the first reading public hearing. Said approval thereby directs the applicant to correct those identified minor revisions prior to the second reading public hearing. Once the public hearing is closed, city council may read the

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ordinance, by title, for approval on first reading, and the following actions shall occur:

- i. The revised final site plan with the approved minor site plan revisions shall be submitted to the zoning administrator no later than the end of business on the seventh (7th) calendar day prior to the second reading public hearing.
- ii. If the applicant fails to comply with the submittal deadline in (1)a.i. above, then the second reading public hearing shall be continued a minimum of two (2) weeks or city council may consider the application based upon final site plan submitted to the zoning administrator.

For the purposes of this section, minor site plan revisions shall consist of those text and/or graphical changes to the site plan, which do not exceed the minimum thresholds set forth in the (4)b.3. above.

2. *Substantial site plan revisions.* If any substantial revisions to the final site plan are necessary as a result of issues identified prior to or during the first reading public hearing, then the first reading public hearing shall be continued a minimum of four (4) weeks, and the following actions shall occur:

- i. The revised final site plan containing the substantial revisions shall be submitted to the zoning administrator no later than the end of business on the twenty-first (21st) calendar day prior to the continued first reading public hearing.
- ii. If the applicant fails to comply with the submittal deadline in (5)a.2.i. above, then the continued first reading public hearing shall be continued a minimum of two (2) weeks or city council may consider the application based upon final site plan submitted to the zoning administrator.

For the purposes of this section, substantial site plan revisions shall consist of text and/or graphical changes, which exceed the minimum thresholds set forth in the (4)b.3. above, or city council determines that additional time is necessary for further information to be presented to city council.

3. *First reading.* Upon the close of the first reading public hearing, city council shall either i. read the rezoning ordinance by title only or ii. vote to deny the application.
- b. *Second reading public hearing.* A second public hearing shall be held concurrent with second reading ("second reading public hearing"). The second reading public hearing shall be held no earlier than two (2) weeks following the first reading public hearing. Prior to the close of the second reading public hearing, the zoning administrator shall present the certified site plan to city council.

A certified site plan shall mean a site plan, which is stamped by the zoning administrator as the (revised) final site plan that includes all text and/or graphic revisions approved by city council at the first reading public hearing. Upon close of the second reading public

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hearing, city council shall either i. Read by title only and approve the rezoning ordinance or ii. vote to deny the application.

- c. The chairman of the city council and city clerk shall date and endorse the adopted, certified site plan, and the certified site plan shall be incorporated by reference into the ordinance and filed as a part of the official zoning records of the City of Tampa.
- (cd) *Compliance with Tampa Comprehensive Plan.* No application for rezoning shall be accepted for filing by the zoning administrator unless the subject property is located completely within a Tampa Comprehensive Plan land use classification that allows consideration of the requested zoning district. This review shall be based upon the adopted Tampa Comprehensive Plan. The zoning administrator may receive and process a rezoning application where the applicant establishes that a land use plan amendment is presently being processed by the appropriate land planning agency, which amendment, if approved, would allow consideration of the requested zoning district. However, the rezoning application may not be adopted until thirty (30) days after the land use plan amendment is adopted. Any fees paid by the applicant to process the rezoning application are forfeited should the subject amendment fail to be adopted by the city council.
- (de) City council shall approve or deny an application for rezoning within one hundred eighty (180) days of the applicant submitting their application to the zoning administrator. City council may, for good cause shown, extend this period a maximum of thirty (30) days. Further extension of time may be granted by city council, only upon finding of extenuating circumstance(s). Any application that has not been set for public hearing within one hundred eighty (180) days of submittal to the zoning administrator shall be deemed withdrawn and shall be subject to 27-150, unless the scheduling delay is a result of administrative error.

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Sec. 27-149. - Public notice requirements for land development decisions and text amendments to the Land Development Code.

- (a) Public notice generally. For the purposes of compliance with public notice requirements, the statutory notice requirements set forth in this section are required in order to ensure a valid final action on land development decisions. However, the City of Tampa recognizes the importance of community involvement in land development decisions for which notice is not required pursuant to Florida Statutes. In an attempt to facilitate such involvement, and to provide courtesy notification of land development decisions to property owners and residents in affected areas of the City of Tampa, and to other interested parties and organizations, it is the intent of the section to provide a process for supplemental notice. The failure to provide this supplemental notice required herein shall not be construed to invalidate any final action on a land development decision, if discovered after final action has been taken.
- (b) Statutory notice. Statutory public notice for all land development decisions and for text amendments to the Land Development Code, as defined in this chapter, shall be provided for by the City of Tampa in compliance with the requirements of applicable Florida Statutes, including, but not limited to, Section 166.041 and the requirements of the City of Tampa Charter for the matter to be approved. All public hearings will be scheduled in a manner consistent with Tampa City Council Rules of Procedure and any other applicable provision of City of Tampa Code of Ordinances. If there is ever a conflict between City of Tampa Code of Ordinances and applicable Florida Statutes relative to notice, the provisions of Florida Statutes shall prevail and apply, including all publication requirements. The city council may, by resolution, adopt a schedule of fees to be paid in connection with providing statutory notice.
- (c) Supplemental notice. Supplemental public notice shall be provided for all land development decisions as provided for below, unless another provision of City of Tampa Code of Ordinance provides for different supplemental notice requirements. For the purposes of this subsection, the term "applicant" shall also include the "petitioner" in a review proceeding. If the city is pursuing the land development decision, then the city shall be deemed the "applicant." If two (2) public hearings are required, then supplemental notice must be provided prior to the first public hearing.
 - (1) Mailed notice. The applicant shall send the required mailed notice not less than thirty (30) days prior to the date of the public hearing on which the application is scheduled. The notice shall identify the physical address of the subject property; the day, month, and year of the public hearing; the scheduled time and location of the public hearing; the phone number, address, and email address (if available) of the applicant; and a description of land development decision requested including type of application, nature or degree of request and potential uses, and other information as required by the city.
 - a. Property owner. If the property owner for the land development decision is not the applicant, then the applicant shall mail notice to the property owner as listed in the most current ad valorem tax rolls. This notice shall be mailed by "certificate of mailing" through the United States Post Office to the property owner to the mailing address

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listed for the property owner, on the most current ad valorem tax rolls (per section 27-149(c)(3)(b) below).

Related applications: area rezonings, right of way vacating and HPC applications.

- b. Good Neighbor Notice for Participating neighbors. The applicant shall mail notice to each owners of real property located within two hundred fifty (250) feet of the subject property in all directions from the subject property line, including roads or streets, as listed in the most current ad valorem tax rolls ("participating neighbors"). This notice shall be mailed by "certificate of mailing" through the United States Post Office to the participating neighbors. Notice shall be mailed to the mailing address listed, if available, for the participating neighbors on the most current ad valorem tax rolls (per section 27-149(c)(3)(b) below).

Related applications: area and parcel rezonings, special use-1 and -2, variance, design exception-2, request for review, substantial change review for site plan zoning districts, and formal decision of zoning administrator.

- c. Good neighbor notice for participating organizations.
 - i. The applicant shall mail good neighbor notice to all participating organizations registered within the neighborhood area in which the subject property is located. This notice shall be mailed by regular mail to the address of the authorized representative of the participating organization. If the application is for a site plan zoning district or special use request, notice shall include with a copy of the most recently filed site plan.
 - ii. To receive good neighbor notice as a participating organization, an organization shall provide at a minimum, in a format provided by the city, the name, mailing address, telephone number and electronic mail address (if available) of its authorized representative(s) and identify the neighborhood area(s) for which the participating organization is requesting to receive good neighbor notice. Upon request of the city, a participating organization shall provide information showing that it qualifies as a participating organization, as defined in section 27-43.
 - iii. Registration as a participating organization shall be updated on an annual basis as of October 1 of each year. In order to ensure that good neighbor notice is provided pursuant to this section, a participating organization has an obligation to update the information that the city has on file for its authorized representative.

Related applications: area and parcel rezonings, special use-1 and -2, variance, right of way vacating, design exception-2, request for review, substantial change review for site plan zoning districts, formal decision of zoning administrator, and HPC applications.

- (2) Posted notice.

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- a. The applicant shall post notice of the public hearing on a sign located on or near the front of the subject property, adjacent to and visible from the street or public right of way and not within a building or obstructed by any site feature, not less than thirty (30) days and not more than sixty (60) days prior to the public hearing. If the property maintains two (2) or more street frontages, at least one (1) sign must be posted per property frontage.
- b. The sign, which may be metal or other substance in a format provided by the city, must be at least eighteen (18) inches by twenty-four (24) inches upon which shall appear and must identify the day, month, and year of the public hearing; the scheduled time and location of the public hearing; the nature or degree of the request including type of application and potential uses (e.g. rezoning, special use, variance, etc.).

Related applications: area and parcel rezonings, special use-2, variance, right of way vacating, request for review, formal decision of zoning administrator, and HPC applications.

- (3) Affidavit of compliance with supplemental notice requirements. The applicant shall file proof that the supplemental notice requirements have been met by filing an affidavit of compliance with the city clerk or other appropriate official on a form of affidavit provided by the city. The affidavit of compliance (which includes the affidavit along with the required documents) shall be filed with the city clerk or other applicable city official, not less than fifteen (15) days prior to the scheduled public hearing or issuance of a written administrative determination by the applicable city official. The affidavit of compliance shall state that the applicant has complied with all applicable supplemental notice requirements. The following documents shall be attached to the affidavit of compliance:
 - a. The certificate of mailing to the property owner and/or participating neighbors;
 - b. The ad valorem tax rolls used for providing notice to property owners and/or participating neighbors. The official list of property owners and dated variance/buffer notice map upon which the list is based, obtained from the Hillsborough County Property Appraiser's office or via its official website/Web-based GIS service, shall be considered the most current tax roll, so long as the list has been produced no more than six (6) months prior to the date of the filing for the pending application;
 - c. A copy of the mailed notice letter;
 - d. Two (2) photographs of the posted sign which clearly shows the language on the posted sign and two (2) photographs which clearly shows the location where the sign is posted on the subject property; and
 - e. The list of participating organizations that were provided good neighbor notice, including the mailing address and authorized representative.
- (4) Failure to perfect supplemental notice.
 - a. Public hearing-related supplemental notice. If the applicant fails to provide supplemental notice in accordance with this section prior to the public hearing for the land development decision, or if the applicant fails to timely file the complete affidavit

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of compliance, then the public hearing shall be cancelled and reset as a new application, pursuant to the applicable scheduling procedure, to allow compliance with the notice requirements.

- b. Written administrative determination-related supplemental notice. If the applicant fails to provide supplemental notice in accordance with this section, or if the applicant fails to file the complete affidavit of compliance, then the written administrative determination shall not be issued, until the applicant perfects the supplemental notice and related application process timeframes (i.e. open record period), as required by this section.
- (5) Public notice for continued public hearings and amended applications.
- a. Continued public hearings. Supplemental notice shall not be required for a public hearing that is continued by motion or lack of quorum after the date and time of the scheduled public hearing. However, city council may require the applicant to provide additional notice as a condition of granting a continuance request.
 - b. Amended application for purposes of notice. Before the public hearing, the application may be amended to correct an error or omission or to increase the legal boundary of the land, to add new uses and/or adds a more intense zoning district to the application. If this amendment requires re-advertisement of the notice of public hearing, the applicant shall pay an amendment fee, as established by resolution of the city council, to cover the cost and expenses as a result of the amendment at the time the amendment is filed. If notice was not perfected in accordance with this section the applicant shall be required to amend his application and pay an amendment fee. An amended application shall be rescheduled to a date that will provide for compliance with the statutory and supplemental notice requirements, provided pursuant to this section. The applicant shall be responsible for re-notification of the amended application.

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Sec. 27-151. - Comprehensive review of land development code.

The code administrator or designee shall examine the provisions of this chapter and may submit a bi-annual report to the city council recommending changes and amendments, if any, that are desirable in the interest of furthering the public health, safety and general welfare. Any city council directed text amendment requests for this chapter ~~made by city council, any other city department, any public or quasi public agency, or any member of the public,~~ shall be submitted to the code administrator for review and processing. The deadline for each text amendment cycle shall fall on January 15 and July 15 of each calendar year. Processing of the proposed text amendments shall begin on the deadline date, ~~following a batch process.~~ The code administrator ~~or city council~~ may initiate a text amendment, outside of the normal text amendment cycle, to ~~correct an unintentional error or conflict between sections of this chapter or with other chapters, or for amendments to procedural matters.~~

- (1) Correct an unintentional error; or
- (2) Address strategic initiatives; or
- (3) Correct conflict between sections of this chapter, or with other chapters; or
- (4) Address changes in state legislation; or
- (5) Amendments to procedural matters. Refer to sections 27-148 and 27-149(a).