



City of San Antonio

Agenda Memorandum

File Number:15-4574

Agenda Item Number: 15.

Agenda Date: 10/1/2015

In Control: City Council A Session

DEPARTMENT HEAD: John Dugan, AICP

COUNCIL DISTRICTS IMPACTED: 3 and 4

SUBJECT:

An amendment to the Regulatory Plan regarding fireworks sales within the South San Antonio Limited Purpose Annexation Areas.

SUMMARY:

Amending the Regulatory Plan regarding fireworks sales within the South San Antonio Limited Purpose Annexation Areas.

BACKGROUND INFORMATION:

On January 9, 2014, the City Council approved the extension of the city limits through limited purpose and adopted a "Regulatory Plan for the South San Antonio Limited Purpose Annexation Areas." State law requires municipalities to follow certain provisions for all annexation proceedings, including the adoption of a regulatory plan. The regulatory plan provides for the extension of the City's planning, zoning, health and safety ordinances during the limited purpose annexation period, and indicates that the areas will be fully annexed within three years.

The Regulatory Plan for the South San Antonio Limited Purpose Annexation Areas referenced Ordinance No. 97683, (adopted in 2003), which permitted limited sales of fireworks in the areas annexed for limited purposes. However, the subject ordinance had an expiration date of January 5, 2006. The proposed ordinance will correct the regulatory plan and allow firework sales in limited purposes annexation areas under preexisting conditions.

The San Antonio Fire Department, which is responsible for the enforcement of fireworks regulations within the city limits, previously and again agreed to support the limited sale of fireworks in the South San Antonio limited purpose annexation areas.

ISSUE:

This ordinance would approve an amendment to the Regulatory Plans adopted for the South San Antonio Limited Purpose Annexation Areas, which will permit fireworks sales in the annexation areas under certain conditions. Existing fireworks businesses that were located more than 5,000 feet away from the City of San Antonio limits prior to the limited purpose annexation and in the areas annexed for limited purposes at least 180 days prior to the effective date of limited purpose annexation, will be allowed to continue to store, sell, offer for sale, use and transport fireworks for the duration of the limited purpose annexation. The proposed ordinance does not allow the use of fireworks by the public. The sale of fireworks will be prohibited in the annexation areas once they are annexed for full purposes. The limited purpose annexation areas will be considered for City's full purpose jurisdiction during a three year period, prior to January 9, 2017.

ALTERNATIVES:

An alternative is that Council denies the amendment to the Regulatory Plan and the sales of fireworks would be prohibited in limited purpose annexation area.

FISCAL IMPACT:

There is no fiscal impact related to this ordinance.

RECOMMENDATION:

Staff recommends the approval of the amendment to the Regulatory Plan regarding fireworks sales for the South San Antonio Limited Purpose Annexation Areas.