

## Summary of Amendment to 2019-0770

Preserves some existing language and adds additional language to Chapter 711, Part 4, that is consistent with the current ordinance and that is not prohibited by Fla. Stat. § 337.401, including:

- Adding Permit Application requirements under Ord. Sec. 711.429(a) for the applicant to demonstrate that the proposed Small Wireless Facilities:<sup>1</sup>
  - Do not materially interfere with sight lines and clear zones for transportation, pedestrians, and public safety purposes;
  - Comply with the Jacksonville noise control code in Ord. Sec. 368, Part 2; and
  - Comply with applicable FCC radio frequency exposure standards and exposure limits.
- Ensuring that Wireless Equipment is not placed on existing poles in such a way as to impair the view from primary residential structures (*e.g.*, placement on poles in line with common interior side lot lines, not in front of lots with small widths, and not directly adjacent to the structures), commercial business signs, or front/principal facades of businesses.<sup>2</sup>
- Preserving the objective design standards deemed by City attorney Jason Teal not to be preempted by Fla. Stat. § 337.401, such as diameter restrictions, shrouding, and location context restrictions for new poles.<sup>3</sup>

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<sup>1</sup> The proposed additions are allowed under Fla. Stat. § 337.401(7)(d)11 and would simply require the applicant to demonstrate compliance with applicable law. Each of the applicable codes was enacted to address threats of destruction to property or injury to persons.

<sup>2</sup> The location context restrictions on the Small Wireless Facilities are authorized by Fla. Stat. § 337.401(7)(r)3. Defining the eligible existing utility poles for the placement of Wireless Equipment is permitted where the goal is to camouflage and conceal such equipment from the view of primary residential structures. In addition, Verizon has repeatedly made clear, when answering concerns from Mr. Becton, Mr. Boylan, and Ms. Pittman about visual blight, that it has no intention to place Small Wireless Facilities in neighborhoods (the main concern of the opponents), or would only do so on a limited basis. If, for some reason, telecom companies needed to place Small Wireless Facilities in a neighborhood and could not comply with the restrictions, it could seek a waiver like Verizon did through 2019-0757.

<sup>3</sup> The location context restrictions for new utility poles are authorized by Fla. Stat. § 337.401(7)(r)4. In addition, the City can preserve location context, camouflage, and concealment restrictions for Small Wireless Facilities pursuant to Fla. Stat. § 337.401(7)(r)3.

## Summary of Potential Impact on Property Values

- June 2014 National Institute for Science, Law & Public Policy survey indicates that cell towers and antennas negatively impact interest in real property. Specifically, **94% of respondents said a nearby cell tower or group of antennas would negatively impact their interest in a property or the price they would be willing to pay for it.** 79% of respondents said under no circumstances would they ever purchase or rent a property within a few blocks of a cell tower or antennas, and almost 90% of respondents said they were concerned about the increasing number of cell towers and antennas in their residential neighborhood, generally. “The results of the 2014 NISLAPP survey suggest there is now high awareness about potential risks from cell towers and antennas, including among people who have never experienced cognitive or physical effects from the radiation,” said Jim Turner, Esq., Chairman.
- A March 2017 study by Burgoyne Appraisal Company on the impact of communication towers and equipment on nearby property values found that, assuming two generally compatible areas, aesthetics will have the most significant impact on property value. **Visible utility structures adversely affect property values.** “I would expect that installation of equipment that is widely visible to have a more significant impact than equipment that is not so.” “It is important for municipalities to retain significant control over the size, location, scope, expansion and characterization of the installations.”
- “I believe the concern among the public with respect to 5G is so great that **if a house has 5G directly in front of it, that home will not be devalued by the usual 40% that world studies show . . . it will be unmarketable,**” says Holly Manion, Pacific Sotheby's International Realty in N. San Diego County.