

Introduced by the Land Use and Zoning Committee:

ORDINANCE 2025-864

AN ORDINANCE GRANTING A SMALL CELL FACILITY APPLICATION FOR ADMINISTRATIVE DEVIATION APPLICATION CDN 9748.264 LOCATED IN COUNCIL DISTRICT 1 NEAR 8239 MERRILL ROAD, BETWEEN HARTSFIELD ROAD AND DAMES POINT CROSSING BOULEVARD, AS DESCRIBED HEREIN, APPLIED FOR BY JEFF FINCH, CBVR TELECOM DESIGN GROUP, REQUESTING TO REDUCE THE REQUIRED MINIMUM SETBACK FROM AN EXISTING SIDEWALK FROM TWO FEET TO 1.6 FEET, PER SECTION 711.438, *ORDINANCE CODE*; ADOPTING RECOMMENDED FINDINGS AND CONCLUSIONS OF THE LAND USE AND ZONING COMMITTEE; REQUESTING ONE CYCLE EMERGENCY PASSAGE; PROVIDING FOR DISTRIBUTION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, an application for an administrative deviation, **On File** with the City Council Legislative Services Division, was filed by Jeff Finch, CBVR Telecom Design Group, 6505 N. Himes Avenue. Tampa, Florida, 33614, (770-853-1233) located in Council District 1 near 8239 Merrill Road, between Hartsfield Road and Dames Point Crossing Boulevard, as graphically depicted in **Exhibit 1**, requesting to reduce the required minimum from an existing sidewalk from two feet to 1.6 feet, per section 711.438, *Ordinance Code*; and

WHEREAS, the Planning and Development Department has considered the application and all attachments thereto and has rendered an advisory recommendation; and

1 **WHEREAS**, the Land Use and Zoning Committee, after due notice
2 held a public hearing and having duly considered both the testimonial
3 and documentary evidence presented at the public hearing, has made
4 its recommendation to the Council; now, therefore

5 **BE IT ORDAINED** by the Council of the City of Jacksonville:

6 **Section 1. Adoption of Findings and Conclusions.** The
7 Council has considered the recommendation of the Land Use and Zoning
8 Committee and reviewed the Staff Report of the Planning and
9 Development Department concerning Small Cell Facility Application for
10 Administrative Deviation Application CDN 9748.264 to reduce the
11 required minimum setback from an existing sidewalk from two feet to
12 1.6 feet, per section 711.438, *Ordinance Code*. Based upon the
13 competent, substantial evidence contained in the record, the Council
14 hereby determines that the requested administrative deviation meets
15 each of the following criteria required to grant the request pursuant
16 to Section 711.429, *Ordinance Code*, as specifically identified in the
17 Staff Report of the Planning and Development Department:

18 (1) The effect of the waiver is compatible with the existing
19 contiguous uses and consistent with the general character of the area
20 considering population, density, scale, and orientation of the
21 structures in the area; (

22 (2) The result will not detract from the specific intent of
23 the objective design standards by promoting the continued existence
24 of nonconforming Small Wireless Facilities that exist in the vicinity;

25 (3) The effect of the proposed waiver will not diminish
26 property values in, or negatively alter the aesthetic character of
27 the area surrounding the site, and will not substantially interfere
28 with or injure the rights of others whose property would be affected
29 by the same;

30 (4) The waiver will not have a detrimental effect on vehicular
31 or pedestrian traffic or parking conditions, or result in the creation

1 of objectionable or excessive light, glare, shadows, or other effects,
2 taking into account existing uses in the vicinity;

3 (5) The proposed waiver will not be detrimental to the public
4 health, safety or welfare, and will not result in additional public
5 expense, creation of nuisances, or cause conflict with any other
6 applicable law;

7 (6) The City's Right-of-Way where the Small Wireless Facility
8 or Small Wireless Sole Purpose New Utility Pole is proposed exhibits
9 specific physical limitations or characteristics which are unique to
10 the site and which would make imposition of the strict letter of the
11 standard unduly burdensome;

12 (7) The request is not based exclusively upon a desire to
13 reduce the costs associated with compliance and is the minimum
14 necessary to Collocate the Small Wireless Facility or place the Small
15 Wireless Sole Purpose New Utility Pole;

16 (8) If the request is the result of a violation that has existed
17 for a considerable length of time without receiving a citation,
18 whether the violation that exists is a result of construction that
19 occurred prior to the applicant's acquisition of the property, and
20 not as a direct result of the actions of the current owner;

21 (9) The request accomplishes a compelling public interest, such
22 as, for example, furthering the preservation of natural resources by
23 saving a tree or trees;

24 (10) Strict compliance with the regulation will create a
25 substantial financial burden when considering cost of compliance; and

26 (11) Ensuring that all citizens of Jacksonville and Duval County
27 have abundant access to broadband capability.

28 Therefore, Small Cell Facility Application for Administrative
29 Deviation Application CDN 9748.264 is hereby approved.

30 **Section 2. Requesting One Cycle Emergency Passage Pursuant to**
31 **Council Rule 4.901 Emergency.** One cycle emergency passage of this

1 legislation is requested. The nature of the emergency is that pursuant
2 to section 711.429, Ordinance Code, the request must be granted or
3 denied within 45 of the request. The request was submitted on October
4 27, 2025 and deemed sufficient on October 29, 2025, and thus must be
5 acted upon before the January 13, 2026 City Council meeting.

6 **Section 3. Distribution by Legislative Services.**

7 Legislative Services is hereby directed to mail a copy of this
8 legislation, as enacted, to the applicant and any other parties to
9 this matter who testified before the Land Use and Zoning Committee
10 or otherwise filed a qualifying written statement as defined in
11 Section 656.140(c), *Ordinance Code*.

12 **Section 4. Effective Date.** The enactment of this Ordinance
13 shall be deemed to constitute a quasi-judicial action of the City
14 Council and shall become effective upon signature by the Council
15 President and Council Secretary.

16
17 Form Approved:

18
19 /s/ Dylan Reingold

20 Office of General Counsel

21 Legislation Prepared By: Jermaine Anderson

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