

Manatee County Zoning Ordinance

PDR-25-20(Z)(G) – Cheyanne Preserve Phase II – Kyle S And Julianne B Giella (Owner) / AMH Development, LLC (Contract Purchaser) – PLN2504-0061

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, AMENDING THE OFFICIAL ZONING ATLAS (ORDINANCE 15-17, AS AMENDED, THE MANATEE COUNTY LAND DEVELOPMENT CODE), RELATING TO ZONING WITHIN THE UNINCORPORATED AREA, PROVIDING FOR A REZONE OF APPROXIMATELY 10.37 ACRES GENERALLY LOCATED DIRECTLY SOUTH OF LEWIS COURT, APPROXIMATELY 850 FEET WEST OF RYE ROAD, AND COMMONLY KNOWN AS 3125 NORTH RYE ROAD, PARRISH, FLORIDA (MANATEE COUNTY) FROM GENERAL AGRICULTURE (A) TO PLANNED DEVELOPMENT RESIDENTIAL (PDR) ZONING DISTRICT; APPROVING A GENERAL DEVELOPMENT PLAN FOR UP TO 24 SINGLE-FAMILY DETACHED DWELLING UNITS; SUBJECT TO VOLUNTARILY PROFFERED STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Kyle S and Julianne B Giella (the “Applicant”) filed an application to rezone approximately 10.37 acres described in Exhibit “A”, attached hereto, (the “Property”) from General Agriculture (A) to Planned Development Residential (PDR) Zoning District; and

WHEREAS, the applicant also filed a General Development Plan for up to 24 single-family detached dwelling units (the “project”) on the property; and

WHEREAS, the applicant also filed a request for Specific Approval for alternatives to Land Development Code Section 402.7.D.5. Greenbelts allowing the existing 20-foot greenbelt buffer to remain rather than LDC required 15-foot greenbelt buffer adjacent to Cheyanne Phase I greenbelt buffer separating the two parcels to remain as a sufficient buffer between single-family residential uses; and

WHEREAS, the Manatee County Planning Commission, after due public notice, held a public hearing on April 16, 2026, to consider the rezone, General Development Plan and Specific Approval applications and considered the criteria for approval in the Manatee County Comprehensive Plan and the Land Development Code; and

WHEREAS, the Manatee County Planning Commission, as the County’s Local Planning Agency, found the applications consistent with the Manatee County Comprehensive Plan and to satisfy the criteria for approval in the Manatee County Land Development Code and recommended approval of the applications subject to the stipulations contained in the staff report.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA;

Section 1. FINDINGS OF FACT. The recitals set forth above are true and correct and are hereby adopted as findings by the Board of County Commissioners.

The Board of County Commissioners, after considering the testimony, evidence, documentation, application for amendment of the Official Zoning Atlas, the recommendation and findings of the Planning Commission, as well as all other matters presented to the Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

A. The Board of County Commissioners has received and considered the report of the Manatee County Planning Commission concerning the application for Official Zoning Atlas Amendment as it relates to the real property described in Exhibit “A” of this from General Agriculture (A) to Planned Development Residential (PDR) zoning district.

B. The Board of County Commissioners, after due public notice, held a public hearing on April 23, 2026, regarding the proposed Official Zoning Atlas Amendment described herein in accordance with the requirements of the Manatee County Land Development Code and has further considered the information received at said public hearing.

C. The proposed amendment to the Official Zoning Atlas regarding the property described in Exhibit “A” herein is found to be consistent with the requirements of the Manatee County Comprehensive Plan and to satisfy the criteria for approval in the Land Development Code.

D. Notwithstanding the failure of this plan to comply with the requirements of Land Development Code Section 402.7.D.5, the Board finds that the intent of this regulation is met because the parcels function as a single development under Unified Control, making the prescribed greenbelt buffer separation unnecessary.

Section 2. GENERAL DEVELOPMENT PLAN. The General Development Plan is hereby approved for up to 24 single-family detached dwelling units, upon the property subject to the following Stipulations:

A. DESIGN AND LAND USE

1. All other applicable local, state, and/or federal permits shall be obtained prior to commencement of construction.
2. The site plan submitted with this application shall be part of the approval.
3. A 2-foot separation from the internal edge of the sidewalk to the property line shall be provided for all proposed front-loaded garage units to ensure a 25-foot separation from the sidewalk to the garage.
4. Any new or temporary use or uses proposed at this property, other than those approved with this application, shall be required to apply for a new general development permit through Development Services-Planning & Zoning, as required by the Land Development Code.
6. Any significant or archeological resources discovered during development activities shall be immediately reported to the Florida Department of State’s Division of Historical Resources. Treatment of such resources shall be determined in cooperation with the Division of Historical Resources and the County. The final determination of significance shall be made in conjunction with the Florida Department of State’s Division of Historical Resources and the County.
The appropriate treatment of such resources (potentially including exaction of the

site in accordance with the guidelines established by the Florida Department of State's Division of Historical Resources) must be completed before resource disturbing activities are allowed to continue. If human remains are encountered, the provisions contained in Chapter 872, Florida Statutes (Offenses Concerning Dead Bodies and Graves) shall be followed.

7. Final Site Plan review and approval is required for recreational area(s) and any proposed amenities. Any structures and/or uses shall comply with the Land Development Code requirements for parking, screening buffer (recreational use to single family), structure height, signage, etc. Recreation area structure(s) shall have a minimum setback of 20 feet from property lines.

B. ENVIRONMENTAL

1. All other applicable state or federal permits shall be obtained prior to commencement of development.
2. There are no impacts to jurisdictional wetlands or wetland buffers being approved by the adoption of this Ordinance.
3. The landward extent of wetlands shall be determined in accordance with Chapter 62-340 of the Florida Administrative Code. If the Southwest Florida Water Management District's (SWFWMD) Formal Determination of Wetlands and Other Surface Waters identifies a greater wetland acreage than indicated in the General Development Plan, the project's maximum density may be subject to a reduction at time of Final Site Plan submittal in accordance with the Comprehensive Plan and Land Development Code. The project's maximum density shall be contingent upon SWFWMD's Formal Determination of Wetlands and Other Surface Waters for the site.
4. No lots shall be platted through post-development wetlands, wetland buffers, or upland preservation areas.
5. Pursuant to the September 2025 Environmental Narrative prepared by Monarch, 90 days prior to commencement of development, a 100% survey of suitable habitat for gopher tortoises shall be conducted as recommended. If evidence of gopher tortoises is found, a Florida Fish and Wildlife Conservation Commission (FWC) permit will be obtained for relocation and/or management of tortoises.
6. A Construction Water Quality Monitoring Program and proposed sampling locations are required to be included in the ESCP information on the Final Site Plan in accordance with Section 353.3 of the Land Development Code.
7. If wells are encountered, a Well Management Plan for the proper protection and abandonment of existing wells shall be submitted to the Environmental Performance Standard (EPS) for review and approval prior to recommencing construction activities. The Well Management Plan shall include the following information:
 - Digital photographs of the well along with nearby reference structure (if existing);
 - GPS coordinates (Latitude/longitude) of the well;
 - The methodology used to secure the well during construction (e.g. fence, tape); and

- The final disposition of the well - used, capped, or plugged.
8. Irrigation for landscaping shall use the lowest water quality source available, which shall be identified on the Final Site Plan. Use of Manatee County public potable water supply shall be prohibited.

C. TRAFFIC ENGINEERING

1. At the time of final site plan submittal access spacing and design shall meet the requirements of the Manatee County Public Works Standards Part 3, Highway and Traffic Standards (Board of County Commissioners Adopted 2022) Section 3.7 Access and Driveways.

D. DEVELOPMENT REVIEW

1. Connection to the County water and wastewater systems is required pursuant to the Manatee County Comprehensive Plan. The cost of connection, including the design, permitting, and construction of off-site extensions of lines, shall be the responsibility of the Applicant. Such off-site extension shall be designed and constructed in accordance with the applicable County Master Plan. The connection shall be designed, engineered, and permitted by the Applicant consistent with Manatee County Public Works Standards and approved by County Engineer through the construction plans review process for the project.

D. STORMWATER

1. Pursuant to Section 801 Land Development Code, Manatee County Floodplain Ordinance (Ordinance #20-22, or as amended), and Code of Federal Regulations (CFR), Title 44, Section 60.3, the Final Site Plan and associated Drainage Modeling shall demonstrate that no adverse impacts will be created to neighboring properties surrounding the site with respect to proposed impacts to the 100-year floodplain as derived from the Gamble Creek Watershed Management Plan, the FEMA FIRM, and post-development discharge of runoff.

The following storm frequency events, corresponding cumulative rainfall, and rainfall distribution shall be provided as a comparison of the existing pre-development condition versus the proposed post-development development condition:

NOAA Atlas 14 rainfall data shall be used for stormwater modeling.

Storm Frequency	Cumulative Rainfall	Rainfall Distribution
2.33-year/24-hour	4.5 inches	FLMOD
10-year/24-hour	NOAA Atlas 14	FLMOD
25-year/24-hour	NOAA Atlas 14	FLMOD
100-year/24-hour	NOAA Atlas 14	FLMOD
100-year/72-hour	18 inches	FDOT-72

50-year storm event modeling applies to thoroughfare drainage systems only.

The comparison of existing pre-development condition versus the proposed post-development development condition shall include results in terms of runoff and staging. Drainage Modeling (utilizing best available information from Gamble Creek Watershed Management Plan) shall be submitted to demonstrate compliance prior to commencement of construction.

A Flowage Easement shall be dedicated to Manatee County and be shown on the Final Site Plan and Final Plat for Gamble Creek (county Object ID106 & 913) within the project boundaries. In addition, an unobstructed Drainage-Maintenance Access Easement shall be provided along the top-of-bank of this drainage system. Manatee County is only responsible for maintaining the free flow of drainage through these systems.

Stormwater and floodplain management design and engineering shall be in accordance with Section 801 of the Land Development Code (effective June 4, 2015), Article II of Chapter 2-10 of the Manatee County Code of Ordinances (updated May 27, 2022), and the Public Works Standards Manual.

Section 3. SPECIFIC APPROVAL. Specific Approval is hereby granted for alternatives to Land Development Code Section 402.7.D.5., greenbelts allowing the existing 20-foot greenbelt buffer to remain rather than LDC required 15-foot greenbelt buffer adjacent to Cheyanne Phase I greenbelt buffer separating the two parcels to remain as a sufficient buffer between single-family residential uses.

Section 4. AMENDMENT OF THE OFFICIAL ZONING ATLAS. The Official Zoning Atlas of Manatee County (Ordinance No. 15-17, the Manatee County Land Development Code) is hereby amended by changing the zoning district classification of the property described in Exhibit "A", incorporated by reference herein, of this from General Agriculture (A) to Planned Development Residential (PDR) zoning district, and the Clerk of the Circuit Court, as Clerk to the Board of County Commissioners, as well as the Development Services Department, are hereby instructed to cause such amendment to the Official Zoning Atlas.

Section 5. SEVERABILITY. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, sentence, clause, or provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

Section 6. CODIFICATION. Pursuant to § 125.68(1), Florida Statutes, this ordinance is not required to be codified. Therefore, the Clerk shall not transmit the ordinance for codification.

Section 7. STATE AND FEDERAL PERMITTING. The issuance of the local development permit by the County shall not create any liability on the part of the County in the event the applicant fails to obtain the required state or federal agency approvals or permits or fails to fulfill the obligations imposed by any state or federal agency or undertakes actions that result in a violation of state or federal law.

Section 8. EFFECTIVE DATE. This ordinance shall take effect immediately upon filing with the Office of the Secretary of State, Florida Department of State.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the 23rd day of April 2026.



**BOARD OF COUNTY
COMMISSONERS OF MANATEE
COUNTY, FLORIDA.**

BY: 
Chairperson

**ATTEST: ANGELINA COLONNESO
Clerk of the Circuit Court**

BY: 
Deputy Clerk

Exhibit “A”

Legal Description

THE NORTH 1/2 OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4, SECTION 11, TOWNSHIP 34 SOUTH, RANGE 19 EAST; TOGETHER WITH AND SUBJECT TO EASEMENT FOR PRIVATE STREET DESCRIBED IN OFFICIAL RECORDS BOOK 1118, PAGE 397, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

April 24, 2026

Angelina Coloneso
Clerk of the Circuit Court
Manatee County
1115 Manatee Ave W
Bradenton, FL 34205

Dear Angelina Coloneso:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Manatee County Ordinance No. PDR-25-20(Z)(G), which was filed in this office on April 24, 2026.

Sincerely,

Alexandra Leijon
Administrative Code and Register Director

AL/dp