

Land Use & Legal Reference Guide – Alachua County and Florida Statutes

This guide summarizes key land development codes, Florida statutes, and legal authorities related to growth management, zoning, and property rights. It is intended as a factual reference for residents, community groups, and decision-makers reviewing land use or permitting matters in Alachua County.

Quick Reference Summary

Category	Key References / Links
Alachua County ULDC	Chapters 402–407, esp. §404.14.5 (Rural Event Center/Arena) https://growth-management.alachuacounty.us
Florida Statutes	§163.3215 (Comprehensive Plan Consistency) §70.002 (Property Owner Bill of Rights) Bert J. Harris Jr. Act Florida APA (Administrative Procedures Act)
Legal References	Florida Bar Journal – 'ABCs of Local Land Use and Zoning Decisions' Florida Bar Environmental & Land Use Law Section UF Law Review – Conditional Zoning & Discretionary Approvals
Comprehensive Plan	Policies on Rural/Agricultural Preservation and Environmental Protection

1. Alachua County Land Development Codes (ULDC)

The Alachua County Unified Land Development Code (ULDC) is the primary document governing zoning, permitted uses, and development standards. These regulations are adopted under the authority of the County's Comprehensive Plan and Florida Statutes.

- Chapter 402 – Procedures and Permits

Outlines procedures for public hearings, variances, and Temporary Use Permits (TUPs). Defines when and how quasi-judicial reviews apply.

- Chapter 403 – Zoning Districts

Describes zoning categories and maps, including Agricultural (A) and Rural Residential (RR) areas.

- Chapter 404 – Use Regulations

Specifies what uses are permitted, limited, or prohibited within each district. Includes §404.14.5 defining 'Rural Event Center/Arena.'

- Chapter 407 – Standards and Buffers

Establishes requirements for landscaping, lighting, noise, parking, setbacks, and environmental buffers.

- Ordinance 02-01

Adopts the Florida Building Code and fire protection standards in Alachua County.

2. Florida Statutes and Statewide Legal Authorities

These statutes establish the framework for local land use regulation, planning consistency, and protection of property rights.

- §163.3215 – Consistency with the Comprehensive Plan

Local governments must ensure all development orders—including rezoning, special exceptions, or permits—conform with the adopted Comprehensive Plan.

Full text:

https://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0163/Sections/0163.3215.html

- §70.002 – Property Owner Bill of Rights

Lists the basic rights of property owners regarding fair treatment, access, and due process in land use decisions.

Full text:

https://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0000-0099/0070/Sections/0070.002.html

- Bert J. Harris, Jr. Private Property Rights Protection Act

Provides a cause of action for property owners if a government regulation places an inordinate burden on their property rights.

Florida Bar overview: <https://www.floridabar.org/the-florida-bar-journal/the-bert-j-harris-jr-private-property-rights-protection-act-an-overview-recent-developments-and-what-the-future-may-hold/>

- Florida Administrative Procedures Act (APA)

Outlines standards for rulemaking, procedural fairness, and administrative hearings.

Florida Administrative Code: <https://www.flrules.org/>

- Common Law & Constitutional Takings Doctrine

Both Florida and U.S. constitutions protect against regulations that 'go too far' and effectively take private property without compensation.

3. Legal and Scholarly Publications

The following professional and academic publications explain how land use law is applied in Florida, and the standards that guide local decision-making.

- Florida Bar Journal – 'ABCs of Local Land Use and Zoning Decisions'

Explains the difference between legislative and quasi-judicial decisions, evidentiary burdens, and standards of review.

<https://www.floridabar.org/the-florida-bar-journal/abcs-of-local-land-use-and-zoning-decisions/>

- Florida Bar Environmental & Land Use Law Section

Publishes articles and case analyses about environmental protection, growth management, and resource conservation.

https://www.floridabar.org/journal_article_section/environmental-land-use-law/

- University of Florida Law Review – Conditional Zoning & Discretionary Approvals

Provides in-depth analysis of how discretionary permits (like Special Exceptions) can be misused as de facto rezoning.

<https://scholarship.law.ufl.edu/cgi/viewcontent.cgi?article=3110&context=flr>

4. Comprehensive Plan and Rural Land Protection Policies

Alachua County's Comprehensive Plan provides the foundation for zoning and development review. It includes policies to:

- Preserve agricultural and rural lands.
- Protect surface and groundwater resources.
- Ensure compatible land use and infrastructure.
- Direct urban growth to designated centers.

Any project or permit inconsistent with these goals may be denied under Florida Statutes §163.3215.

Appendix A – Legal and Scholarly Reference Chart

The following table summarizes key legal and scholarly resources relevant to Florida and Alachua County land use decisions. These sources provide insight into procedural standards, environmental regulation, and planning obligations for local governments.

Source	Description / Relevance	How to Use It
“ABCs of Local Land Use and Zoning Decisions” – Florida Bar Journal	Explains the difference between legislative and quasi-judicial decisions, burden of proof, and requirement for decisions based on competent substantial evidence in the record. Link: https://www.floridabar.org/the-florida-bar-journal/abcs-of-local-land-use-and-zoning-decisions/	Use to emphasize that DRC and BOCC decisions must follow proper evidentiary standards and rely solely on record evidence.
Florida Bar — Environmental & Land Use Law Section	Publishes current articles and case studies on wetlands, water quality, stormwater management, and growth management trends in Florida. Link: https://www.floridabar.org/journal_article_section/environmental-land-use-law/	Use to show that environmental objections and compatibility issues are grounded in professional legal and policy guidance.
“A Vision of the Future of Florida Land Use Law” – Florida Bar Journal	Discusses long-term principles guiding Florida’s land-use system, emphasizing Comprehensive Plan consistency and sustainable rural development. Link: https://www.floridabar.org/the-florida-bar-journal/a-vision-of-the-future-of-florida-land-use-law/	Use to support policy-based arguments about preserving rural zoning and sustainable planning priorities.
UF Law Review / Florida Legal Scholarship – Conditional Zoning & Discretionary Approval Doctrine	Analyzes how local governments may (or may not) grant conditional uses, special exceptions, or ‘temporary’ permits without violating comprehensive plan limits. Link: https://scholarship.law.ufl.edu/cgi/viewcontent.cgi?article=3110&context=flr	Use to demonstrate that misuse of discretionary or temporary permits as de facto rezoning is legally improper.

All linked references verified as of October 2025