



## **Private Residential / Livestock Ponds Conditional Use Verification Procedure & Checklist**

Private or agricultural livestock ponds are allowed as conditional uses in Agricultural (AG), Agricultural Residential (AR), Country Estates (AR-1), and Rural Estates (AR-2) zoning districts. Anyone meeting the conditional use requirements under Section 20.3-5 may apply for conditional use verification for private or agricultural livestock ponds.

### **General Requirements for Residential Ponds**

- 1) Pond shall not encroach into or be located in a jurisdictional wetland area as defined by the Army Corps of Engineers, Florida Department of Environmental Regulation and the St. Johns River Water Management District, hereafter called Agencies. The applicant shall be responsible for contacting the applicable agency in order to determine if the site is within jurisdictional lands.
- (2) Pond shall not be located so that diversion of runoff or a water course will be required in order to fill or maintain the water level at any time.
- (3) Storm-water runoff from any impervious area shall not be introduced into the pond area at any time.
- (4) Pond shall not be located, at any one point, closer than twenty-five (25) feet to right-of-way, easement or access point.
- (5) Pond will not discharge to any water course, wetland area, or conveyance system without first applying for a permit or permission from the applicable agencies and or owner. Any and all permits or agreements shall be presented to the County in letter format or copies thereof prior to pond application issuance.
- (6) No artesian or free running well (no connection to aquifer) will be allowed for water level control and or filling. Shallow wells connected to the pond for water level control shall be permitted through the St. Johns River Water Management District or Florida Department of Environmental Regulation. No dual purpose well connection will be allowed, i.e. connected to dwelling or drinking water and pond or any combination thereof. If a shallow well is to be utilized for controlling the water level, an automatic on/off switch shall be installed at the well pump in addition to an appropriately sized breaker and disconnect in addition to a sensing device installed in the pond to control the pumping activities.

- (7) Pond shall be located so that no one point of the bank shall be closer than seventy-five (75) feet to any part of the underground and/or above ground, septic tank system.
- (8) Pond will not be larger than 1/3 (one third) of the property or 1/3 (one third) acre (14,520 square feet) whichever is less, except that within Agriculture (AG) and Agriculture (AR) zoning districts, ponds will not be larger than 25% of tracts of 10 acres or greater).
- (9) Side slopes of the pond shall have sod and/or seed and mulch placed on all areas with slopes of 4'0" horizontal to 1'0" vertical maximum. All slopes greater than 4'0" horizontal to 1'0" vertical shall have sod placed end to end with no gaps or spaces. All areas to receive sod and/or seed and mulch shall have this accomplished within fifteen days of finished grading.
- (10) Pond area or property shall be fenced in accordance with SJRWMD requirements related to storm-water management facilities and statutory requirements related to agricultural or livestock ponds.

**Application Filing Procedures**

**Step 1. Do I meet the requirements for a pond?**

	Yes	No	Comments
1. Is the property located within the AG, AR, AR-1 or AR-2 Zoning District?	<input type="checkbox"/>	<input type="checkbox"/>	Contact the Planning and Zoning Division to confirm (904) 278-4705
2. Will I be encroaching into any wetland area?	<input type="checkbox"/>	<input type="checkbox"/>	You may contact the Florida Department of Environmental Protection and the St. Johns River Water Management District for help with wetlands.
3. Will I be diverting natural water runoff?	<input type="checkbox"/>	<input type="checkbox"/>	If you change natural drainage patterns and divert water onto an adjacent neighbor or cause for there to be downstream flooding or drainage blockage, you could be potentially liable for the actions resulting from water diversion.
4. Is there any impervious storm-water entering into the pond?	<input type="checkbox"/>	<input type="checkbox"/>	This would be water runoff from paved surfaces or from building roofs.
5. Will the pond be located more than 25' from any right-of-way, easement or access point.	<input type="checkbox"/>	<input type="checkbox"/>	Your survey or site plan will reflect the distance.
6. Will the pond discharge into any water conveyance system and if so did I obtain permission from the appropriate agency with jurisdiction?	<input type="checkbox"/>	<input type="checkbox"/>	Generally these would be ditches or tributaries. You can contact the county Public Works or Engineering office, The Florida Department of Environmental Protection and the St. Johns River Water Management District to determine

			jurisdiction.
7. A Private water well is not used to supplement the water level.	<input type="checkbox"/>	<input type="checkbox"/>	
8. The pond will be located 75' from an underground or above ground septic system.	<input type="checkbox"/>	<input type="checkbox"/>	Can generally be determined by your survey if it was located.
9. All of the pond banks will have a 4' horizontal to 1' vertical slope and be grassed.	<input type="checkbox"/>	<input type="checkbox"/>	
10. Pond will be fenced in compliance with State and St. Johns River Water Management Standards.	<input type="checkbox"/>	<input type="checkbox"/>	

**If you answered yes to items 1,5,6\*,7,8,9,10 and no to 2,3,4,6\* proceed to step 2.**

\*you may answer yes or no on item 6 depending on whether or not you are not discharging the water from the pond or if you have permission from the agency with jurisdiction.

### **Step 2. Applying for a Conditional Use Verification**

Once it has been determined that you meet the requirements to have a pond you will then need to apply for a Conditional Use Verification with Clay County. The application may be obtained at:

Clay County Planning and Zoning Division  
477 Houston Street 3rd Floor  
Green Cove Springs, FL 32043

Or Download Here [Download Pond Application](#)

The application will consist of two items, the application and the owner's property ownership affidavit as well as supplemental information provided by the Applicant.

**Application:** Items I and IV are to be filled out by the applicant. This will include applicant contact information, parcel information, and an affirmation that the pond will be constructed meeting Clay County Land Development Regulations

**Property Ownership Affidavit:** This is an affidavit from the Grantor that acknowledges they own the parent parcel of land.

**Step 3. Filing the Application & Supplemental Information**

Once you have filled out the application you are now ready to file the application with Clay County. Applications are to be filed at:

Clay County Planning and Zoning Division  
477 Houston Street 3rd Floor  
Green Cove Springs, FL 32043

You will need the following items:

<b>Required Documents</b>			
	<b>Yes</b>	<b>No</b>	<b>Comments</b>
Conditional Use Verification for Private / Livestock Ponds Application	<input type="checkbox"/>	<input type="checkbox"/>	Provided by Clay County
Site Plan showing the location of the pond, size of the pond, dimension from right-of-way or access point, dimension from property line, and side slopes.	<input type="checkbox"/>	<input type="checkbox"/>	Can be hand drawn or taken from a survey
Survey showing all easements, septic location, property dimensions.	<input type="checkbox"/>	<input type="checkbox"/>	This will be done by a State of Florida Registered Professional Surveyor at the expense of the applicant.
Property Ownership Affidavit	<input type="checkbox"/>	<input type="checkbox"/>	This is an affidavit stating that Grantor owns the property format is provided by Clay County.
Fee	<input type="checkbox"/>	<input type="checkbox"/>	\$300.00

The Planning and Zoning Staff will accept the application and place it under consideration. A minimum of Fourteen (14) days is required for review to ensure consistency with the Clay County Land Development Regulations. When complete, the Planning and Zoning Division will contact the applicant and let them know if the application has been approved.

**If you have any questions regarding the application or procedure please contact the Clay County Planning and Zoning Division at (904) 278-4705**