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Department of Planning and Development
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DEVELOPMENT REGULATED BY THE STORMWATER MANAGEMENT ORDINANCE

Excerpt from McHenry County Stormwater Management Ordinance, amended April 5, 2016

A Stormwater Management Permit is required for development that meets any of the following criteria:

1. Any development that is located partially or completely in a flood hazard area; or,
2. Any development located partially or completely within the boundary of a wetland or waters; or
3. Any development that hydrologically disturbs 5,000 square feet or more; or,
4. Any development that hydrologically disturbs 50% or more of a parcel; or
5. Any development that results in an additional 20,000 square feet of impervious area since the effective date of this Ordinance; or,
6. Any development on a lot or parcel of land platted after December 1, 2014 that results in impervious area exceeding the design parameters of an existing stormwater management facility; or,
7. Any development that is part of a larger common plan of development that, as a whole, would constitute regulated development.

Development is defined by the Stormwater Management Ordinance as:

Any man-made change to real estate by private property owners or public agencies including, but not limited to:

1. Construction, reconstruction, repair or remodeling, maintenance or placement of a building or any addition to a building, including "ag exempt" buildings;
2. Installing a manufactured home on a site, preparing a site for a manufactured home, or installing a recreational vehicle or travel trailer on a site for more than 180 days (if the recreational vehicle or travel trailer is on the site for less than 180 days, it must be fully licensed and ready for highway use);
3. Drilling, mining, installing utilities, construction of roads, bridges, or similar projects;
4. Demolition of a structure or redevelopment of a site;
5. Construction or erection of levees, walls, fences, dams, or culverts;
6. Channel modification;
7. Filling, dredging, grading, excavating, paving, or other alterations of the ground surface;
8. Storage of materials;
9. Extensive removal of vegetation; or
10. Any other activity of man that changes the direction, height, or velocity of flood or surface water.

Website for McHenry County Stormwater Management Ordinance
https://www.co.mchenry.il.us/county-government/departments-j-z/planning-development/ordinances

Underlined words are defined in the ordinance.

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However, there are certain types of projects that are exempt from the requirements of the Ordinance. The following activities DO NOT require a Stormwater Management Permit:

1. Maintenance of existing buildings outside the floodplain;
2. Maintenance of existing buildings within the floodplain that does not constitute a substantial improvement;
3. Maintenance of existing roads and trails;
4. Other maintenance activities;
5. Gardening and landscaping that does not involve filling, grading, or the construction of berms;
6. Tillage and similar agricultural practices that do not involve filling, grading or the construction of levees;
7. Improvements undertaken pursuant to a written NRCS Conservation Plan, when the improvements are not located within a flood hazard area, WOTUS, or IWMC;
8. Demolition and accompanying restoration, including the removal of bridges and culverts, provided that:
    a. Natural land contours are restored;
    b. The disturbed area is less than 1 acre; and
    c. Appropriate soil erosion and sediment control practices are utilized;
9. Installation, repair or replacement of an onsite waste disposal system, well, sewer or water service line, or other utility service line serving one existing building, provided that:
    a. The activity is not located partially or completely in a flood hazard area or a wetland;
    b. The disturbed area is less than 1 acre;
    c. The activity does not result in an increase in ground elevation; and
    d. Appropriate soil erosion and sediment control practices are utilized.

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