

CHAPTER 1335
DEPARTMENT OF ADMINISTRATION
MINNESOTA STATE BUILDING CODE
FLOODPROOFING

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1335.0600 FLOODPROOFING REGULATIONS, SECTION 201.2.

FPR section 201.2 is amended to read as follows:

This section shall apply unless equivalent provisions are incorporated in the city or county flood plain zoning ordinance.

Nonconforming Use: A structure or the use of a structure or premises which was lawful before the passage or amendment of the ordinance but which is not in conformity with the provisions of these regulations may be continued subject to the following conditions:

1. No such use shall be expanded, changed, enlarged, or altered in a way which increases its nonconformity.

2. No structural alteration, addition, or repair to any conforming structure over the life of the structure shall exceed 50 percent of its market value at the time of its becoming a nonconforming use, unless the structure is permanently changed to a conforming use.

3. If such use is discontinued for 12 consecutive months, any future use of the building premises shall conform to these regulations. The assessor shall notify the zoning administrator in writing of instances of nonconforming uses which have been discontinued for a period of 12 months.

4. If any nonconforming use or structure is destroyed by any means, including floods, to an extent of 50 percent or more of its market value, it shall not be reconstructed except in conformance with the provisions of these regulations; provided, the Board of Appeals may permit reconstruction if the use or structure is located outside the floodway and is adequately and safely floodproofed, elevated, or otherwise protected in conformance with these regulations.

5. Uses or adjuncts thereof which are or become nuisances shall not be entitled to continue as nonconforming uses.

6. An alteration, addition, or repair to a nonconforming structure that exceeds 50 percent of its market value must be protected as required by these regulations.

Statutory Authority: *MS s 16B.61*

History: *15 SR 74*

1335.1000 FLOODPROOFING REGULATIONS, SECTION 205.1.

FPR section 205.1 is amended to read as follows:

Statement of Intention to Improve: The owner or any registered architect or licensed professional engineer authorized to represent the owner shall, before preparing final plans for any improvement in the flood hazard area(s), file with the building official a statement of intention to improve, including a brief description of the type of improvement being considered and giving its precise location, on a form provided by the building official. The building official shall note on two

copies the elevation of the RFD at the location of the proposed improvement. One copy of the statement of intention to improve must be retained by the building official until a permit copy for improvement on the site is approved or one year has elapsed; a second copy must be returned to the owner for use in final siting and design of the improvement. Assignments of the RFD elevations at all locations must be consistent with the determination of the regulatory flood protection elevation as defined in the community's flood plain zoning controls, if any. This information must be open to public examination at all reasonable times.

Statutory Authority: *MS s 16B.61*

History: *15 SR 74*

1335.1100 FLOODPROOFING REGULATIONS, SECTION 205.2.

FPR section 205.2 is amended to read as follows:

Permits Required: No person, firm, or corporation shall erect, construct, alter, repair, move, remove, convert, or demolish any building or structure or any part thereof, or make any other improvement within the structure or any part thereof, or make any other improvement within the flood hazard area(s), or cause same to be done, without first obtaining a separate flood plain building permit for any such improvement from the building official. Ordinary minor repairs may be made with the approval of the building official without a permit, provided that such repairs shall not violate any provisions of these regulations or of the building code.

Statutory Authority: *MS s 16B.61*

History: *15 SR 74*

1335.1950 FLOODPROOFING REGULATIONS, SECTION 612.1.

FPR section 612.1 is amended to read as follows:

Methods: A building must be considered completely floodproofed if the lowest elevation of all space within the building perimeter is above the RFD as achieved by:

- (1) building on natural terrain beyond the RFD limit line on natural undisturbed ground;
- (2) building on fill; or
- (3) building on stilts.

These methods may be used alone or in combination to achieve the required degree of floodproofing. Data and design procedures must be based on organized and acceptable disciplines involved and the following additional requirements.

Statutory Authority: *MS s 16B.61*

History: *15 SR 74*

1335.2150 FLOODPROOFING REGULATIONS, SECTION 612.3.

FPR section 612.3 is amended to read as follows:

Protection by Dikes, Levees, and Floodwalls: Dikes, levees, and floodwalls must not be considered to provide FP1 or FP2 floodproofing or flood protection unless

- (1) the dike, levee, or floodwall is built in accordance with recognized and accepted engineering practice and methods, and
- (2) the design data has been submitted to the Department of Natural Resources and the Federal Emergency Management Agency for revision of the community's flood insurance study (flood insurance rate map) and official zoning map.

Statutory Authority: *MS s 16B.61*

History: *15 SR 74*

1335.3100 FLOODPROOFING REGULATIONS, SECTION 1405.3.

FPR section 1405.3 is amended to read as follows:

Protection by Dikes, Levees, and Floodwalls: Dikes, levees, and floodwalls must not be considered to provide floodproofing or flood protection unless

(1) the dike, levee, or floodwall is built in accordance with recognized and accepted engineering practice and methods, and

(2) the design data has been submitted to the Department of Natural Resources and the Federal Emergency Management Agency for revision of the community's flood insurance study (flood insurance rate map) and official zoning map.

Statutory Authority: *MS s 16B.61*

History: *15 SR 74*