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## **TITLE 312 NATURAL RESOURCES COMMISSION**

LSA Document #05-274

Under IC 4-22-2-23, the Natural Resources Commission intends to adopt a rule concerning the following:

**OVERVIEW:** Amends 312 IAC 11-5-2 that governs lawful nonconforming uses for structures subject to licensure under IC 14-26-2 (commonly known as the “Lakes Preservation Act”). Provides greater specificity to the processes used to evaluate lawful nonconforming uses. Specifies that the person claiming a lawful nonconforming use has the burden for establishing conformity and provides two years for the submission of documentation. Specifies that the department of natural resources has the burden for establishing that a lawful nonconforming use should be terminated if the department contends it is a nuisance or has been abandoned. Clarifies that a temporary structure can qualify as a lawful nonconforming use and acknowledges that the seasonal removal of a structure does not constitute abandonment. Effective January 1, 2007. Public questions or comments may be sent to the Division of Hearings, Natural Resources Commission, Indiana Government Center-South, 402 West Washington Street, Room W272, Indianapolis, IN 46204; (317) 233-3322; slucas@nrc.in.gov. Statutory authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-26-2-23.

For purposes of IC 4-22-2-28.1, the Small Business Regulatory Coordinator for this rule is:

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