

- B. A Pre-existing Special Use shall be considered to be an approved, existing, special use and its configuration shall be shown on a site plan drawn to reflect how such use existed on the effective date of this Ordinance. Parts of uses that are nonconforming immediately prior to the adoption of this Ordinance shall continue to be nonconforming under this Ordinance. A permit issued pursuant to this subsection shall be known as a Pre-existing Special Use Permit.
- C. An owner or operator of a Pre-existing Special Use may obtain from the Planning Commission, without charge, certification of a site plan reflecting how the use existed on the effective date of this Ordinance and identifying any nonconforming parts. In the case of a dispute regarding improvements to parcels which existed on the effective date of this Ordinance, aerial photographs flown by the County or other aerial photographs, having the same or greater resolution and taken after the County photos but prior to the adoption of this Ordinance, shall be given greater weight as evidence in order to establish which improvements shall be included on the certified site plan and their location. For purposes of this section, the above-mentioned photo(s) may be used as the site plan for the Pre-existing Special Use Permit.
- D. When a special use owner or operator applies to amend a Pre-existing Special Use Permit for expansion or change, a written Special Use Permit shall be prepared for the entire use and parcel. The review of a Pre-existing Special Use Permit amendment application for expansion or change by the Planning Commission shall include only a review and action upon the expansion or changed portion of the Pre-existing Special Use Permit requested by the applicant. Any action by the Planning Commission on such application shall not change or alter those parts of the Pre-existing Special Use that are shown on the Pre-existing Special Use Permit.

### **11.15 Burden of Proof**

The applicant for a special land use shall have the burden of proof, which shall include the burden of presenting all evidence to the Zoning Enforcement Officer and the Planning Commission, and the burden of persuasion on all questions of fact, which are to be determined by the Planning Commission.