

## CHAPTER 23

### HIGHWAY ACCESS DISTRICT (HA)

#### Section

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#### 23-1. Purpose.

This chapter is for the purpose of regulating access to land contiguous to highways in order to facilitate minimal impediments to traffic flow, mitigate potential and actual conditions that contribute to vehicular accidents, and allow reasonable and harmonious uses on such lands, as well as to insure unobstructed views of access points. Traffic safety and land uses are critical to the use of highways. Access must be reviewed and controlled by the planning commission within the standards established in this chapter. To this end, access to highways encumbered by a Highway Access District (HA) shall be at points controlled with respect for the safety of the traveling public. (Ord.2005-30, 11/22/05)

#### 23-2. Application.

The Highway Access District (HA) is an over-lay district that fits over the existing zoning district and along highway right of way lines. (Ord.2005-30, 11/22/05)

#### 23-3. Land Uses.

(1) All land uses, except any provisions for access, that are permitted or require conditional use permits under regulations relative to the underlying zoning district are allowed in the HA District.

(2) Permitted and conditional uses of the underlying zoning district do not affect or limit the application of this chapter. (Ord.2005-30, 11/22/05)

#### 23-4. Conditional Use Permits Required.

(1) Access from adjoining land to a highway within a HA District shall require a conditional use permit. The permit shall insure compliance with Tooele County Land Use Ordinance Chapter 6 regarding off street parking requirements, except that the permit may allow a single access for two parcels on the property line if it is within the general purpose and intent of the Tooele County Land Use Ordinance.

(2) The planning commission may require a

surety bond or other reasonable security which may be forfeited in the event the regulations or the conditions of a permit are breached. (Ord.2005-30, 11/22/05)

#### 23-5. Area, Width, Height, and Coverage Regulations.

Area, width, height, and coverage regulations in HA Districts shall be the same as required in the underlying zoning district and for the clear view of intersecting streets. (Ord.2005-30, 11/22/05)

#### 23-6. Standards.

(1) The minimum distance between accesses in HA Districts shall be 800 feet.

(2) Frontages which are equal to or less than the minimum distance in feet shall be allowed but limited to one access.

(3) Lots with frontages greater than 800 feet may have multiple accesses, which shall maintain the minimum standard in distance between the accesses on that property as well as those of neighboring properties on the same side of the highway.

(4) The planning commission may impose new setbacks for the construction, location, or placement of new structures, and modifications to existing structures along HA district roads to reflect approved plans that modify the routing or widening of right of ways. Imposing such setbacks shall supersede setbacks required in the underlying zone.

(5) This chapter shall not be applied so as to deny reasonable ingress and egress to property adjoining a public highway except where the county has acquired such right of ingress and egress by gift, agreement, purchase, eminent domain, or otherwise or where no right of ingress or egress exists between the right-of-way and the adjoining property, nor to restrict the height of agricultural crops or trees growing on private property along a highway, except at the point of access to allow clear view of traffic.(Ord.2005-30, 11/22/05)

#### 23-7. Violations.

(1) No HA District shall have any approach road, driveway, or any other structure or object of any kind or character placed, constructed, or maintained except as permitted by, and in accordance with, the land use ordinance, and other county codes.

(2) If any person, firm, or corporation installs, places, constructs, alters, repairs, or maintains any approach road, driveway, outdoor advertising sign,

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or any other structure or object of any kind or character within the boundaries of a HA District without complying with this chapter, the department of engineering may:

(a) give written notice to the person, firm, or corporation to remove the installation from the boundaries; or

(b) remove the installation.

(3) Notice under Subsection 2(a) shall be served by:

(a) personal service; or

(b) (i) mailing the notice to the person, firm, or

corporation by certified mail; and

(ii) posting a copy on the installation for ten days.

(4) If the installation is not removed within ten days after the notice is served, the department of engineering may remove the installation at the expense of the person, firm, or corporation. The department of engineering may recover:

(a) the costs and expenses incurred in removing the installation, serving notice, and the costs of a lawsuit if any; and

(b) \$10 for each day the installation remained within the boundaries after notice was served.

(5) If the person, firm, or corporation disputes or denies the existence, placement, construction, or maintenance of the installation, or refuses to remove or permit its removal, the department of engineering may cause an action be brought to abate the installation as a public nuisance, and may recover the costs of having the public nuisance abated.

(6) The department, its agents, or employees, if acting in good faith, incur no liability for causing removal of an installation within a HA District.

(Ord.2005-30, 11/22/05)

### **23-8. Preexisting Accesses.**

Accesses that existed prior to a HA District being imposed on any highway will exist as legal non-conforming uses. (Ord.2005-30, 11/22/05)

### **23-9. Abandonment.**

Any access in a HA District that is not used in any twelve consecutive months will be required to be removed. If a property owner desires to reinstate that access, it shall conform to this chapter.

(Ord.2005-30, 11/22/05)