

8. Such use shall not unduly increase congestion in the streets or public dangers, including fire and safety hazards.
9. Such use shall be in accord with the intent, purpose and spirit of this Resolution and the Comprehensive Development Plan of Fairbury, Nebraska.
10. Applications for adult businesses under the terms of this Section shall be accompanied by evidence concerning the feasibility of the proposed request and its effect on surrounding property. The application shall also include a site plan defining the areas to be developed for buildings and structures, the areas to be developed for parking, driveways and points of ingress and egress, the location and height of walls, the location and type of landscaping, and the location, size and number of signs.
11. An adult business shall post a sign at the entrance of the premises that shall state the nature of the business and shall state that no one under the age of 18 years of age is allowed on the premises. This Section shall not be construed to prohibit the owner from establishing an older age limitation for admission to the premises.
12. *Prohibited Activities of Adult Businesses:*
  - A. No adult business shall employ any person under 18 years of age
  - B. No adult business shall furnish any merchandise or services to any person who is under 18 years of age
  - C. No adult business shall be conducted in any manner that permits the observation of any model or any material depicting, describing or relating to specified sexual activities or specified anatomical areas by display, decoration, sign, show window or other opening from any public way or from any property not licensed as an adult use. No operator of an adult business or any officer, associate, member, representative, agent, owner, or employee of such business shall engage in any activity or conduct in or about the premises which is prohibited by this Resolution or any other laws of the State.
  - D. No part of the interior of the adult business shall be visible from the pedestrian sidewalk, walkway, street, or other public or semi-public area.

## **Section 9.29 Dwelling, Special Types**

### **9.29.01 Intent:**

The intent of this section is intended to establish special conditions by which Special types of dwelling units may be established within the jurisdiction of Fairbury.

### **9.29.02 Requirements:**

A Special Dwelling unit, where permitted, must meet the following criteria in addition to the requirements of the district.

1. All dwellings shall comply with the local, state, and federal codes.
2. Applicants for special dwelling construction must submit detailed plans and specifications or proof of HUD compliance for review and approval. Inspections may be conducted to ensure compliance with code.
3. Exterior modifications to align with community aesthetic standards may be required.
4. Special dwellings shall be structurally anchored to a permanent foundation and said foundation shall meet local, state, and/or federal building codes.
5. Special dwellings shall have at least one habitable room with not less than 120 sf of gross floor area.
6. Other habitable rooms in Special dwellings shall have not less than 70 sf of floor area, except for kitchens.
7. Habitable rooms in Special dwellings shall not be less than seven feet in any horizontal dimension.
8. Special dwellings ceiling height effect on room area:
  - a. Portions of a sloped ceiling measuring less than five feet or a furred ceiling measuring less than seven feet from the finished floor.
  - b. The finished ceiling shall not be considered as contributing to the minimum required habitable area for the room.
9. Special dwellings ceiling heights shall be a minimum of seven feet in habitable spaces, hallways, bathrooms, and toilet rooms.
10. Every dwelling shall have toilet facilities-water closet, lavatory, and a bathtub or shower, kitchen area and sink.
11. Every dwelling shall meet insulation and ventilation standards and provide heating and cooling systems as required by local, state and/or federal codes.

12. All electrical shall be in compliance with all local, state and/or federal electrical codes.
13. All dwelling units shall meet all egress requirements found in local, state, and/or federal codes.
14. Any and all extensions off of Special dwellings units shall be structurally designed regarding all attachments and cantilevers.
15. All modifications to Special dwellings shall be designed and engineered by a licensed architect and/or engineer.
16. All items requiring the structure to be structurally designed/modified shall be sealed by a structural engineer.
17. All structures shall meet the maximum coverage on a lot as any ordinary single-family dwelling.
18. No dwellings shall be located in any floodplain.
19. Once a Shouse has been established, the overall structure, including the shop area will no longer be considered an agricultural structure/building and living verses shop areas must be clearly defined.
20. Multiple containers shall be structurally and permanently attached to each other.

**9.29.03 Tiny house Village/Communities:**

Tiny house villages/communities may be allowed in identified areas and shall be designed using the PUD-Planned Unit Development District process within this Regulation.