

ORDINANCE NO. 2507

**AN ORDINANCE TO AMEND SECTIONS 44-366, 44-368 AND 44-404
OF THE CITY OF CUDAHY CITY CODE CONCERNING TATTOO
STUDIOS IN THE B-2 AND B-3 DISTRICTS**

WHEREAS, the City Planner has recommended that Tattoo Studios be allowed as principal uses in the B-2 and B-3 zoning district; and

WHEREAS, this proposed amendment was initiated by the Plan Commission of the City of Cudahy pursuant to Section 44-1351 of the City of Cudahy Zoning Code, at the request of City Staff; and

WHEREAS, the City of Cudahy Plan Commission has reviewed this proposed amendment as required by Sections 44-1350 and 44-1353 of the City of Cudahy Zoning Code, and has provided a recommendation to the City of Cudahy Common Council; and

WHEREAS, a public hearing was conducted by the Common Council of the City of Cudahy on **[date]** as required by Section 44-1354 of the City of Cudahy Zoning Code, upon due notice as required by Section 44-1354 of the City of Cudahy Zoning Code; and

WHEREAS, the Common Council finds that this change to the City of Cudahy Zoning Code is not a down zoning ordinance because it does not decrease the development density of land and it does not reduce the permitted uses of land, and therefore the super majority requirement of Section 66.10015, Wisconsin Statutes, does not apply to this ordinance; and

WHEREAS, the Common Council of the City of Cudahy having determined that all procedural requirements and notice requirements have been satisfied, having given the matter due consideration, and having based its determination on the effect of the granting of such amendment on the health, safety and welfare of the community, and having given due consideration to the municipal problems involved as well as the impact on properties as to noise, dust, smoke and odor, and others, hereby determine that the amendment will not violate the spirit or intent of the Zoning Code for the City of Cudahy will not be contrary to the public health, safety or general welfare of the City of Cudahy, will not be hazardous, harmful, noxious, offensive and will not for any other reason cause a substantial adverse effect on the property values and general desirability of neighborhoods as long as the operation is conducted pursuant to the following conditions and in strict compliance with the same and the amendment is consistent with the City of Cudahy Comprehensive Plan.

NOW, THEREFORE, the Common Council of the City of Cudahy, Milwaukee County, Wisconsin, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Chapter 44 of the City of Cudahy Code of Ordinances, entitled “Zoning,” □ □
Article II entitled “Zoning Districts,” Division 11 entitled “B-2 Community Business District,”
Section 44-366 entitled “Principal Uses,” subsection (58) is hereby created as follows:

DIVISION 11 – B-2 COMMUNITY BUSINESS DISTRICT

Sec. 44-366. Principal Uses.

...

(58) Tattoo Studios.

SECTION 2: Chapter 44 of the City of Cudahy Code of Ordinances, entitled “Zoning,”
Article II entitled “Zoning Districts,” Division 11 entitled “B-2 Community Business District,”
Section 44-368 entitled “Conditional Uses,” subsection (11) is hereby amended as follows:

DIVISION 11 – B-2 COMMUNITY BUSINESS DISTRICT

Sec. 44-368. Conditional Uses.

...

(11) Personal physical enhancement (body piercing, massage parlors, etc.).

SECTION 3: Chapter 44 of the City of Cudahy Code of Ordinances, entitled “Zoning,”
Article II entitled “Zoning Districts,” Division 12 entitled “B-3 Central Business District,”
Section 44-404 entitled “Principal Uses,” subsection (27) is hereby created as follows:

DIVISION 12 – B-3 CENTRAL BUSINESS DISTRICT

Sec. 44-404. Principal Uses.

...

(27) Tattoo Studios.

SECTION 4. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 5. The provisions of this ordinance, to the extent that they are substantively the same as those of the ordinances in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinances. In addition, the adoption of this ordinance shall not affect any action, prosecution or proceeding brought for the enforcement of any right or liability established, accrued or incurred under any

legislative provision prior to the effective date of this ordinance for the time that such provision was in effect, and the repeal of any such provisions is stayed pending the final resolution of such actions, including appeals.

SECTION 6. This ordinance shall take effect immediately upon passage and posting and/or publication as provided by law.

Dated this _____ day of _____, 2021.

CITY OF CUDAHY:

Thomas Pavlic, Mayor

ATTEST:

Dennis Broderick, City Clerk

Published and/or posted this _____ day of _____, 2021.