

STATE OF WISCONSIN

VILLAGE OF ROCHESTER

RACINE COUNTY

ORDINANCE NO. 2025-6

**AN ORDINANCE AMENDING SECTION 35-41, B-1 CENTRAL BUSINESS DISTRICT,
OF THE MUNICIPAL CODE OF THE VILLAGE OF ROCHESTER
TO PERMIT TATTOO PARLORS BY CONDITIONAL USE**

WHEREAS, the Village of Rochester seeks to update certain sections of the Village of Rochester Zoning Code for the sake of clarification, consistency, and to remedy oversights within the Village of Rochester Zoning Code; and

WHEREAS, the B-1 zoning district is largely geared toward small, walk-in type establishments; and

WHEREAS, the B-3 zoning district is intended to contain commercial activities of a more general retail and wholesale nature, and of the office and service facilities serving a larger community trade area; and

WHEREAS, tattoo parlors, which are often small, pedestrian-friendly businesses are a permitted principal use in the B-3 zoning district, but not permitted in any form in the B-1 district; and

WHEREAS, the Village believes that tattoo parlors could exist harmoniously with other businesses in the B-1 district, provided that conditions of operation could be applied as necessary; and

WHEREAS, this zoning amendment was initiated pursuant to Section 35-220(B) of the Village of Rochester Zoning Code; and

WHEREAS, the matter was duly referred to the Village of Rochester Plan Commission for report and recommendation pursuant to Section 35-220(D) of the Village of Rochester Zoning Code, and the Plan Commission has reviewed the matter and offered its recommendation to the Village Board; and

WHEREAS, a public hearing was conducted by the Village Board of the Village of Rochester on June 9, 2025 as required by Section 35-220(F) of the Village of Rochester Zoning Code, upon due notice as required by Section 35-240 of the Village of Rochester Zoning Code and Section 62.23(7)(d), Wisconsin Statutes; and

WHEREAS, the Village Board finds that this change to the Village of Rochester 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 Village Board for the Village of Rochester finds that the public necessity, convenience, general welfare, and good zoning practice require the amendment to the Village Code described herein; and

NOW, THEREFORE, the Village Board of the Village of Rochester, Racine County, Wisconsin, does hereby ordain as follows:

Section 1: Chapter 35 of the Village of Rochester Zoning Code entitled "Planning and Zoning," Section 35-41 entitled "B-1 Central Business District," Subsection A entitled "Uses," Paragraph 3 entitled "Conditional Uses" is hereby amended by adding to the list of allowable conditional uses as follows:

Tattoo Parlors, provided that the areas where services are provided are screened from public view and no objectionable artwork is displayed in areas visible to the public.

Section 2: CONTINUATION OF PROVISIONS

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 provision is stayed pending the final resolution of such actions, including appeals.

Section 3: SEVERABILITY

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 ordinance whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

Section 4: EFFECTIVE DATE

This ordinance shall take effect on JUNE 9, 2025 after passage and posting and/or publication as provided by law.

Passed and adopted this 9TH day of JUNE, 2025.

VILLAGE OF ROCHESTER



Nick Ahlers, Village President

ATTEST:



Daniel Colwell, Village Clerk