

**VILLAGE OF THIENSVILLE
OZAUKEE COUNTY, WISCONSIN
ORDINANCE NO. 2021-02
AN ORDINANCE AMENDING CHAPTER 42 OF THE VILLAGE OF
THIENSVILLE MUNICIPAL CODE RELATING TO
HISTORIC PRESERVATION**

WHEREAS, the Village of Thiensville Board of Trustees (“Village Board”) desires to amend the Ordinance relating to the Historic Preservation Commission and allowing for staff level approvals for routine permit application.

NOW, THEREFORE, the Village Board of the Village of Thiensville does ordain as follows:

SECTION 1. Section 42-31 is repealed and replaced with the following:

Sec. 42-31. Creation, composition, terms; removal of members; filling of vacancies.

The Commission shall consist of seven members. The members of the Commission shall consist of a Village Trustee, who shall be the presiding officer, and six citizens members. Citizen members shall be persons of recognized experience and qualifications appointed by the Village President and confirmed by the Village Board by two-thirds vote with staggered terms of three years. The Village Trustee serving on the Commission shall be elected by a two-thirds vote of the Village Board. Vacancies caused by death, resignation or removal shall be filled by the Village Board and appointed by the Village President and confirmed by a two-thirds vote to fill the remainder of the term of the member being replaced. The Village Board may remove any member by a two-thirds majority vote.

SECTION 2. Section 42-59(a)(3-4) is hereby repealed and replaced with the following:

Sec. 42-59(a)(3-4)

- (3) Ordinary building maintenance and other work that involves repairs to existing features of a historic structure or site, or the replacement of elements of a structure or site with elements similar in appearance may be undertaken without the approval of the Commission. However, a Certificate of Appropriateness is required for any such work. A Certificate of Appropriateness may be issued by the Village Planner or Director of Community Services as designees of the Commission. The types of projects that can be approved by these designees shall be detailed in a written policy adopted by the Commission. Unless the Commission or the designee(s) issues a Certificate of Appropriateness, a building permit shall not be issued for any such work.
- (4) Upon filing of an application for a Certificate of Appropriateness, the Historic Preservation Commission or designee (as permitted in Section 42-59(a)(3) above) shall promptly determine:
 - a. Whether, in the case of a designated historic landmark structure or site, the proposed work would detrimentally change, significantly destroy or adversely affect any important exterior architectural feature of the improvement upon which the work is to be done;

- b. Whether, in the case of the construction of a new improvement upon a historic landmark site, the proposed improvement would substantially and adversely affect the historic value of the site;
- c. Whether the exterior of such improvement would adversely affect or conflict with the external appearance of other neighboring improvements on such site; and
- d. Whether, in the case of any property located in a historic landmark district, the proposed construction, reconstruction or exterior alteration is inconsistent with the objectives and design criteria of the historic preservation plan for such district.
- e. Whether construction, alteration and demolition are *not* done in accordance with the following:
 - 1. All buildings, structures, and sites are recognized as products of their own time, and the alterations have a historical basis.
 - 2. Such exterior physical changes as may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. Because these changes may have acquired significance in their own right, this significance should be recognized and respected.

If the Commission determines subsections 4(a)-(e) of this section in the negative, it shall issue the Certificate of Appropriateness. Upon the issuance of such Certificate, the building permit shall then be issued by the building inspector or other authority responsible therefor. Should the Commission refuse to issue a Certificate of Appropriateness because of the failure of a proposal to conform to the above guidelines, the applicant may appeal such decision to the Village Board, which may grant the Certificate by a vote of two-thirds of its members, and then only upon a clear showing of economic hardship by the applicant. In addition, if the Commission fails to issue a Certificate of Appropriateness, the Commission shall, at the request of the applicant, cooperate and work with the applicant in an attempt to comply with the guidelines of this chapter.

SECTION 3. Severability. If any provision of this Ordinance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions of this Ordinance.

SECTION 4. Effective date. This Ordinance shall be effective upon publication or posting under applicable law.

PASSED AND ADOPTED this 21st day of June, 2021.

Van A. Mobley, Village President

ATTESTED TO:

Amy L. Langlois, Village Clerk