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**HOUSE BILL NO. 904**

House Amendments in [ ] — January 31, 2012

A *BILL to amend and reenact § 4.1, as amended, of Chapter 423 of the Acts of Assembly of 1983, which provided a charter for the Town of Middleburg in Loudoun County, and to amend Chapter 423 of the Acts of Assembly of 1983 by adding a section numbered 2.3, relating to architectural control districts and qualifications of the town attorney.*

Patron Prior to Engrossment—Delegate Minchew

Referred to Committee on Counties, Cities and Towns

**Be it enacted by the General Assembly of Virginia:**

**1. That § 4.1, as amended, of Chapter 423 of the Acts of Assembly of 1983 is amended and reenacted and that Chapter 423 of the Acts of Assembly of 1983 is amended by adding a section numbered 2.3 as follows:**

**§ 2.3. Architectural control districts.—**

A. *Authority of town council to designate. In order to protect and promote the general welfare, and to prevent deterioration of the appearance of the established historic character of the town, which would tend to create hazards to public health, safety, and morals and adversely affect property values within the community, the town council may, by ordinance, designate architectural control districts. Within such architectural control districts, no structure shall be erected, reconstructed, altered, or restored without compliance with the adopted design standards.*

**B. Design Standards.**

*1. The design standards of an architectural control district shall be adopted by the town council. The design standards shall address the following issues of importance to the architectural control district:*

*(a) Whether or not the proposed architectural design is suitable for Middleburg's character in terms of external architectural features, including signs, subject to public view; general design and arrangement; texture; color; line; [ ~~mass~~ massing ] ; size; scale; dimension; material; and lighting.*

*(b) Whether or not the proposed structure, building, or improvement is compatible with existing well-designed structures in the vicinity and in the town as a whole.*

*(c) Whether or not, and to what extent, the proposed structure, building, or improvement would promote the general welfare and protect the public health, safety, and morals by tending to maintain or augment the town's tax base as a whole, preserve historical sites and structures, and make the town a more attractive and desirable place to live.*

*(d) Whether or not proposed freestanding buildings use the same or architecturally harmonious materials, color, texture, and treatment for all exterior walls, and, in the case of partially freestanding buildings, whether or not the same or architecturally harmonious materials, color, texture, and treatment are used on all portions of all exterior walls exposed to public view.*

*(e) Whether or not the combination of architectural elements proposed for a structure, building, or improvement, in terms of design, line, massing, size, scale, proportion, dimension, color, material, texture, lighting, landscaping, roofline, and height conform to accepted architectural principles for permanent buildings, as contrasted with engineering standards designed to satisfy safety requirements only, and exhibit external characteristics of demonstrated architectural and aesthetic durability and quality.*

*(f) Whether or not, in terms of design, material, texture, color, lighting, landscaping, dimension, line, massing, size, scale, proportion, roofline, and height, the proposed structure, building, or improvement exhibits exterior characteristics likely to deteriorate rapidly, to be of temporary or short-term architectural or aesthetic acceptability, to be plainly offensive to human sensibilities, or to otherwise constitute a reasonably foreseeable detriment to the community.*

*2. Compliance with the design standards shall be determined either by an administrative process or an architectural control commission or board as determined by the town council.*

*C. Alteration of boundaries of districts. The town council, by ordinance, may enlarge, contract, or alter the boundaries of the architectural control district at such time as the council deems such action to be in the public interest as promoting the general welfare of the community.*

**§ 4.1. Appointments.—**

*The council may appoint: a town administrator, who shall be responsible to the council for the proper administration of all affairs of the town, for the control and supervision of all town departments, employees, and property, for the preparation and implementation of an annual budget, and for any other duties as prescribed by the council; a town attorney, who shall be an attorney-at-law licensed to practice*

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59 and actively practicing in Loudoun County *in the Commonwealth of Virginia*; a town sergeant, who shall  
60 be the conservator of the peace and may be known as the chief of police; a town clerk; a town  
61 treasurer, who may also be the town clerk; and any other officers that shall be deemed necessary and  
62 proper.