

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

6 [S 447]

7 Approved

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

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

12 *§ 2.3. Architectural control districts.—*

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

19 *B. Design Standards.*

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

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

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

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

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

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

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

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

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

51 *§ 4.1. Appointments.—*

52 *The council may appoint: a town administrator, who shall be responsible to the council for the*
53 *proper administration of all affairs of the town, for the control and supervision of all town departments,*
54 *employees, and property, for the preparation and implementation of an annual budget, and for any other*
55 *duties as prescribed by the council; a town attorney, who shall be an attorney-at-law licensed to practice*
56 *and actively practicing in Loudoun County in the Commonwealth of Virginia; a town sergeant, who shall*

57 be the conservator of the peace and may be known as the chief of police; a town clerk; a town
58 treasurer, who may also be the town clerk; and any other officers that shall be deemed necessary and
59 proper.