

## DID YOU KNOW?

Malvern is of course a residential community. From time-to-time however a question may arise as to whether a use on a lot within Malvern conforms to our covenants and the Madison County Zoning Ordinance.

Malvern's Deed of Dedication contains our Covenants. Two of these Covenants state:

*#2 The lots designated in the subdivision shall be used for residential purposes only, and no profession, business, trade, enterprise or commercial activity of any kind or any nature shall be conducted or carried on upon any said lot or within any dwelling hereinafter erected thereon, without the express written approval of the developer or the Property Owners' Association.*

*#11 No noxious or offensive activity shall be suffered or permitted upon any lot or in any area of the development. No unsightly objects shall be displayed on any lot, nor shall anything be done thereon which may be or later become an annoyance or nuisance or danger to the health of any other lot owner or which may otherwise detract from the general character and quiet enjoyment and preservation of the residential quality of the neighborhood.*

From a zoning standpoint, Malvern falls in the Agricultural, A-1 District where single family residential dwellings are one of a number of permitted "By Right" uses. The Statement of Intent for the A-1 zoning district states in part: *"This district is established for the purpose of accommodating all types of rural, open land uses such as agriculture and forestry, along with kindred rural occupations" ... "The permitted uses are broad enough to allow expanded residential uses in pre-planned and staged locations..."*

A Home Occupation meeting certain conditions are also a use permitted "By Right" within the A-1 zoning district. These conditions are found in the definition of Home Occupation: *"An occupation limited to person(s) who reside on the premises where there is no evidence" ... "that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than a dwelling or accessory building thereto;" ... "and a home occupation conducted solely within the home without employees other than those who reside on the premises and without any customer traffic to the home shall be permitted by right" ... "A home occupation shall use no mechanical equipment exceeding 5 horsepower other than that which is normally used for domestic or household purposes."*

Zoning related uses other than what is described above may not be allowed or may be approved only by Special Permit upon submission of an application to the Zoning Administrator and approval by the Madison County Board of Supervisors. The Special Permit, if granted, may be conditioned and could also require approval of other County and State agencies.

The Ordinances can be found on the Madison County web site (<http://www.madisonco.virginia.gov/>), the Madison County Offices or the Madison County Library. The Malvern Deed of Dedication can be found on our web site (<http://www.malvernofmadison.org/DocForm/MalvernCCRs.pdf>). If you have any questions about home occupations in Malvern contact the Board of Directors and/or Betty Grayson, Madison County Zoning Administrator.

Karen Pilkerton