



GOVERNMENT OF THE VIRGIN ISLANDS OF THE UNITED STATES

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DEPARTMENT OF PLANNING AND NATURAL RESOURCES

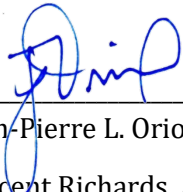
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TO: Lisa M. Alejandro, Commissioner
Department of Property and Procurement

FROM: 
Jean-Pierre L. Oriol, Commissioner

CC: Vincent Richards, Assistant Commissioner
Department of Property and Procurement
Division of Comprehensive and Coastal Zone Planning

DATE: July 20, 2026

RE: Policy on Zoning Classification of Government-Owned Lands (P-Public Designation Policy)

I. Purpose and Intent

The purpose of this policy is to establish a uniform, transparent, and legally consistent framework for the zoning of all real property owned by the Government of the United States Virgin Islands (GVI).

This policy advances:

- Consistency with Title 29 V.I. Code, Section 229(q) requiring appropriate treatment of public lands.

“Properties which are publicly owned should be shown upon the zoning map as such. To zone public property for residential, commercial or industrial uses, simply because the surrounding properties fall into these categories, gives a false impression of the comprehensive development plan and encourages requests for improper rezoning of properties. A parcel of property may lie adjacent to a park entrance which is zoned industrial, and the property owner may request zoning on that basis. On-site examinations would indicate that such zoning would be improper. Further, in determining what land is available for private development, it is important to know how much of the Islands is not available because of public ownership; the property owner should be in a position to know the true character of the property adjacent to his own.”
 - Alignment with the Comprehensive Land and Water Use Plan goals of sound, rational land use, and regulatory clarity.
 - Improved accountability, transparency, and community compatibility in the use of government lands.
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II. Policy Statement

All real property owned by the Government of the Virgin Islands shall:

1. Be designated as P (Public Zone) on the Official Zoning Maps, regardless of any prior zoning classification; and
2. Be rezoned to P (Public Zone) through formal zoning map amendments where necessary; and
3. Utilize use variances to authorize specific uses not currently permitted in the P-Public zoning district.

This establishes the P-Public Zone as the default and exclusive zoning designation for all GVI-owned land.

III. Rationale

A. Statutory and Regulatory Basis

- Section 229(q) of the Zoning Code supports the classification of government-owned lands distinctly from private lands.
- The current lack of uniform designation has resulted in piecemeal zoning map amendments for individual properties.

B. Planning and Policy Considerations

The case study CCZP0014-26 demonstrates that:

- Government-owned properties are currently zoned inconsistently (e.g., R-1, R-2, etc.), despite serving public or institutional functions.
- This mismatch creates:
 - Nonconforming uses
 - Repetitive rezoning requests
 - Planning inefficiencies

C. Transparency and Public Process

The policy ensures that:

- Even with zoning map amendment applications currently within P zoning, they undergo review via the process for a rezoning/use variance for specific uses not currently allowed.
 - Public notice, hearings, and environmental review remain required safeguards.
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IV. Implementation Framework

1. Comprehensive Rezoning and Table of Permitted Uses Initiative (Future next step)

DPNR shall:

- Conduct a zoning inventory of all GVI-owned parcels
- Initiate phased zoning map amendments to reclassify such parcels to P-Public by continued acceptance of DPP zoning map amendment applications.
- Amend Section 228 where the listing is deleted and replaced with the wording, "Any use shall be permitted in the P District if publicly owned and operated, or if publicly owned and privately operated under continuous supervision of a public agency. If a privately owned property is found to be in the P-Public zoning district, the property owner shall be notified that a zoning map amendment is required and an expedited process in correcting the zoning incompatibility may be pursued."
- To ensure accountability and neighborhood compatibility, such uses would still require appropriate public notice, public hearings, and environmental review, preserving transparency and procedural fairness.
- The Department recognizes that historical zoning map errors have resulted in some privately owned parcels being incorrectly designated as P-Public. For this reason, the Department shall prepare a list for future formal notification to affected property owners and develop an expedited zoning map amendment process, consistent with existing law, to correct such errors without unnecessary hardship.

2. Interim Standard (Immediate Application)

Until full implementation:

- Any application involving GVI-owned land shall include rezoning to P-Public as part of the action.
- Existing zoning requests shall be modified accordingly.

(As demonstrated in CCZP0014-26 where staff recommended rezoning from R-1 to P rather than R-3)

3. Use Authorization via Variances

- Specific uses not in the current P-Public Table of Permitted Uses shall be recommended for approval via use variances under Title 29, Section 238a.
- This ensures:
 - Site-specific evaluation
 - Compatibility with surrounding uses
 - Public oversight

V. Use Variance Criteria for P-Public Zone

Approval of use variances on P-zoned properties shall consider:

1. Consistency with Public Purpose
Use must serve a governmental, institutional, or community-serving function.
 2. Neighborhood Compatibility
 - Scale, intensity, and operation must align with surrounding uses.
 - Factors include neighborhood reaction/comments, traffic, noise, occupancy, and infrastructure demand.
 3. Minimal Adverse Impact
 - No significant impact on environmental resources or infrastructure.
 - Must maintain the character of the surrounding area.
 4. Support of Comprehensive Plan Goals
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VI. Case Study Application (CCZP0014-26)

The Nazareth parcel case illustrates proper application of this policy:

- Existing Condition:
Government-owned property zoned R-1 but used as a children's emergency home.
 - Issue Identified:
Zoning mismatch and nonconforming institutional residential use.
 - Policy-Based Resolution:
 - Rezone property to P-Public.
 - Grant use variance for "Children's Homes."
 - Outcome:
 - Achieved regulatory consistency.
 - Maintained neighborhood compatibility.
 - Preserved public transparency through hearings (no opposition recorded).
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VII. Expected Benefits

This policy will:

- Eliminate inconsistent zoning of public lands.
- Reduce repetitive zoning map amendments with Comprehensive Rezoning and Table of Permitted Uses Initiative (Future next step).
- Improve clarity in land use regulations.

- Maintain rigorous public review processes.
 - Support flexible, modern uses. Future initiative to amend Section 228 will replace the current, limited list of uses in the P Public District with flexible, modern language providing that any use shall be permitted in the P Public District if publicly owned and operated or publicly owned and privately operated under the continuous supervision of a public agency.
 - Strengthen alignment with territorial housing and social service needs and other Comprehensive Planning goals.
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VIII. Transition and Compliance

- All government agencies shall coordinate with DPNR to ensure compliance.
 - Future acquisitions by GVI shall be automatically designated P-Public via the zoning map amendment process.
 - Existing non-P zoned GVI parcels shall be prioritized for correction.
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IX. Conclusion

Establishing the P-Public Zone as the standard classification for all government-owned lands, coupled with use variances to regulate specific activities, creates a balanced framework that:

- Ensures legal consistency.
- Preserves planning flexibility.
- Upholds transparency and public trust.