### BCD Business-Capitol District

Purpose

In recognition that the economic health of the city depends on the economic viability of the BCD, the purpose of the BCD is to provide for a mixture of land uses, including *residential* uses, designed to promote the district’s economic well being while preserving the unique architecture, *townscape* and aesthetics that foster a strong tourist industry and sustain the quality of life, sense of community and historical identity in the district and the city.

**Boundaries**

(a) The BCD is composed of *townscape* subdistricts and redevelopment subdistricts. The district and its subdistricts are defined by the official zoning map.

(b) Changes to boundaries of the *townscape* subdistricts or redevelopment subdistricts, including designations of new *townscape* and redevelopment subdistricts, are considered rezonings and must follow the procedures set forth in Section 14-3.5. Designations of new *townscape* subdistricts are also considered Chapter 14 text amendments and shall comply with the procedures set forth in Section 14-3.3.

**Townscape Subdistricts**

(a) The existing *townscape* subdistricts include: Alameda Street, Barrio de Analco, Cerrillos Road, Don Gaspar, East Marcy/East Palace, Loretto, Marcy, McKenzie Street, Old Santa Fe Trail, Plaza/San Francisco, Rosario Boulevard/NW Paseo de Peralta, Sandoval/Montezuma, State Capitol and Westside.

(b) The *townscape* subdistricts are intended to:

(i) preserve the overall aesthetic quality of the BCD;

(ii) maintain diversity among the various subdistricts; and

(iii) protect the unique features, recognizable historic character and other common identifying characteristics of each subdistrict.

(c) *Property* is eligible for rezoning to a *townscape* subdistrict if the land is located within or adjacent to the BCD and meets all other requirements of Chapter 14.

**Redevelopment Subdistricts**

(a) Purpose

Redevelopment subdistricts are intended to provide for:

(i) *infill* and a limitation of sprawl through the efficient use of land;

(ii) optimum use of public *infrastructure*;

(iii) a mix of land uses, including *residential* uses;

(iv) comprehensive site planning;

(v) *public benefit uses*;

(vi) urban design innovation;

(vii) an enhancement of the economic vitality of the district;

(viii) the preservation and enhancement of the character and quality of the area in which the subdistrict is located through elimination of any potentially significant adverse impacts or potentially irreversible adverse impacts upon the community, surrounding neighborhoods or other approved project plans; and

(ix) redevelopment of areas with weak *townscape* qualities or of areas that are undergoing change.

**Redevelopment Requirements**

(i) The *property* is eligible for rezoning to a redevelopment subdistrict if: 1) the land is located within or adjacent to the BCD and encompasses at least three acres, exclusive of dedicated *streets* and *rights of way*, or a complete city block, whichever is smaller; and 2) the existing *infrastructure* has the capability to support or to be modified to support the allowed floor area ratio set forth in Subsections (ii) and (iii) below.

(ii) The *baseline floor-area ratio* shall be two and five-tenths to one; provided, however, that such a floor-area ratio shall not be allowed if it is judged to be incompatible with an adjacent neighborhood or *townscape* subdistrict.

(iii) Rezoning to BCD-redevelopment subdistricts requires consideration and approval by the planning commission and *governing body* of a master plan or *development* plan for the *property* as provided in Sections 14-3.8 and 14-3.9.

(5) Redevelopment subdistrict *property* is eligible for rezoning to a *townscape* subdistrict provided that:

(a) *development* of the redevelopment subdistrict is substantially complete, which determination shall be made by the *governing body*;

(b) the *property* is located in or adjacent to the *townscape* subdistrict it will become part of if the rezoning is approved, and

(c) all other requirements of Chapter 14 are met.

**Permitted Uses**

1. Adult day care
2. Antique stores
3. Art supply stores
4. *Arts & crafts schools*
5. Arts & crafts studios, galleries & shops; gift shops for the sale of arts & crafts
6. Automobile service & repair establishments including filling stations & repair
7. Banks, credit unions (without drive-through)
8. Bar, cocktail lounge, nightclub (no outdoor entertainment)
9. Barber shops & beauty salons
10. Bed & breakfast
11. Boarding, dormitory, monastery
12. Bookshops
13. Cabinet shops (custom)
14. Cemeteries, mausoleums & columbaria
15. Colleges & universities (non-residential)
16. Colleges & universities (residential)
17. Commercial recreational uses & structures; theaters; bowling alleys, pool-rooms, driving ranges, etc.
18. Continuing care community
19. Dance studios
20. Daycare; preschool; for infants & children (6 or fewer)
21. Daycare, preschool, for infants or children (more than 6)
22. Department & discount stores
23. Dwelling, multiple-family
24. Dwelling, single-family
25. Electrical distribution facilities
26. Electrical substation
27. Electrical switching station
28. Electrical transmission lines
29. Exercise, spas, or gym facilities
30. Fire stations
31. Flea markets
32. Florist shops
33. Foster homes licensed by the State
34. Funeral homes or mortuaries
35. Furniture stores
36. Group residential care community (limited)
37. Group residential care facility
38. Hospitals
39. Hotels, motels, residential suite hotels
40. Kennels
41. Laboratories; research, experimental & testing
42. Light assembly & manufacturing
43. Lodging facilities, conference & extended stay
44. Manufactured homes
45. Medical & dental offices & clinics
46. Mini-storage units
47. Museums
48. Neighborhood & community centers (including youth & senior centers)
49. Nursing, extended care, convalescent, recovery care facilities
50. Office equipment sales & service; retail sale of office equipment
51. Offices; business & professional, excluding medical, dental & financial services
52. Parking lots & garages (commercial)
53. Personal care facilities for the elderly
54. Personal service establishments including cleaning & laundry, appliance repair & similar services
55. Pharmacies or apothecary shops
56. Photographers’ studios
57. Police stations
58. Police substations
59. Public parks, playgrounds & playfields
60. Religious Assembly (all)
61. Restaurant: fast service, take out, no drive-through or drive-up
62. Restaurant: full service with or without incidental alcohol service
63. Retail & service uses intended to serve the primary uses & do not exceed 5,000 square feet
64. Retail establishments not listed elsewhere
65. Sheltered care facilities
66. Sign shops
67. Storage areas – individual within a completely enclosed building
68. Tailoring & dressmaking shops
69. Theaters; non-profit for production of live shows
70. Time share vacation projects
71. Tire recapping & re-treading
72. Transit transfer facilities
73. Utilities (all, including natural gas regulation station, telephone exchange, water or sewage pumping station, water storage facility)
74. Veterinary establishments, pet grooming
75. Vocational & trade schools (non-industrial)
76. Wholesaling & distribution operations; 3,000 square feet or less of storage

**Permitted uses that require a Special Use Permit** if located within 200 feet of residentially zoned property unless it is a qualifying project located within the Midtown LINC Overlay District.

1. Bar, cocktail lounge, nightclub with outdoor entertainment
2. Banks, credits unions (with drive-through) (Rosario Boulevard/Northwest Paseo de Peralta, Sandoval/Montezuma and Cerrillos Road Subdistricts only, Drive-in or drive-through facilities are prohibited in the other subdistricts of the BCD per 14-7.4(B)(1)(c)\*)
3. Clubs & lodges (private)
4. Human service establishments
5. Religious educational & charitable institutions (no schools or assembly uses)
6. Restaurant with bar, cocktail lounge or nightclub comprising more than 25% of total serving area
7. Restaurant with drive-through or drive-up (Rosario Boulevard/Northwest Paseo de Peralta, Sandoval/Montezuma and Cerrillos Road Subdistricts only, Drive-in or drive-through facilities are prohibited in the other subdistricts of the BCD per 14-7.4(B)(1)(c)\*)
8. Schools; elementary & secondary (public & private)
9. Vocational & trade schools (light industrial)

\*Section 14-7.4(B)(1)(c) Drive-in or Drive-through Facilities

Drive-in or drive-through facilities are permitted as principal or accessory uses and structures in the Rosario Boulevard/Northwest Paseo de Peralta, Sandoval/Montezuma and Cerrillos Road Subdistricts, where traffic generated by the use will not substantially interfere with existing vehicular and pedestrian traffic. Drive-in or drive-through facilities are prohibited in the other subdistricts of the BCD.

**Special Use Permits**

The following uses may be conditionally permitted in BCD districts subject to a Special Use Permit:

1. Correctional; group residential care facility

**Accessory Uses**

The following accessory uses are permitted in BCD districts:

1. Accessory dwelling units
2. Accessory structures, permanent, temporary or portable, not constructed of solid building materials; covers; accessory structures exceeding 30 inches from the ground
3. Barbecue pits, swimming pools (private)
4. Children play areas & equipment
5. Daycare for infants & children (private)
6. Garages (private)
7. Greenhouses (non-commercial)
8. Home occupations
9. Incidental & subordinate uses & structures
10. Laboratories, apothecaries, pharmacies accessory to a clinic
11. Residential use ancillary to an approved use