



**ADMINISTRATIVE ORDER
PLN20-0190
CODE INTERPRETATION (GENERAL)**

**CODE SECTIONS: 6.05.020; 20.20.014; 20.40.040; 20.40.046; 20.40.130; 20.40.160; 20.40.240;
20.40.430; 20.40.570; 20.40.590**

I. ISSUE:

Request for the use “Animal Shelter” to be considered an Unlisted Use, and in accordance with SMC 20.40.570, make a determination whether the unlisted use complements or is compatible in intensity and appearance with the other uses permitted in commercial zoning districts.

Although submitted application materials were for “Animal Shelter” as an unlisted use, through research and analysis staff is instead providing a code interpretation on “Indoor Animal Rescue” as an unlisted use.

Seattle Area Feline Rescue (SAFe Rescue) is a non-profit, no-kill rescue that is licensed and regulated as an Animal Shelter by the King County Department of Public Health. SAFe Rescue currently operates in a 1,770 square foot commercial tenant space in a commercial building at 14717 Aurora Ave N which is zoned MB (Mixed Business). SAFe Rescue has outgrown its current location and is looking at other commercially zoned sites in the City of Shoreline, but the use is neither fully a “Kennels or Catteries” uses or a “Veterinary Clinic or Hospital” use.

II. FINDINGS:

A. Operational Characteristics of SAFe Rescue:

- i. **Scale.** Within the 1,770 square foot space the Rescue currently occupies, there is an adoption center where the public can meet adoptable cats (250 sf); housing for not-yet-adoptable cats (600 sf); a small retail area (250 sf); and a veterinary clinic that provides medical services for cats under SAFe Rescue care (210 sf). The balance of the square footage (460 sf) are hallways, bathrooms, etc. The Rescue also has a separate tenant office space in the same building for administration, fundraising and finance operations (1,000 sf). Cats are cared for onsite, and in private foster homes offsite, depending on individual needs and anticipated length of stay. Approximately 20-40 cats are housed onsite at a time and it is

anticipated that number could grow to 20-50 cats onsite with the planned expansion. The non-profit is staffed with 13 full-time employees and it is anticipated that will grow to 15-20 full-time employees with the planned expansion.

- ii. **Traffic.** At any one time approximately 5-15 staff and volunteers are onsite. The current location is located along Aurora Ave N near a RapidRide E Line bus stop, and SAFe Rescue administration indicates that two staff members and approximately 25 percent of their volunteers walk or use public transportation.
- iii. **Hours of Operation.** Staff members are onsite seven (7) days a week from 8:30am to 7pm to care for the cats. The retail and adoption center are open to the public Thursday through Monday from 1pm to 7pm.
- iv. **Other Impacts.** When dealing with animals, the most common negative externalities are noise, smell, and concerns about safety (e.g., disease spread). Cats are kept entirely inside the building in enclosures. The enclosures are equipped with individual ventilation systems connected to a negative pressure exhaust system, which serve to manage litter box odors. The litter boxes are cleaned twice daily. SAFe Rescue maintains an infectious disease control plan, and strict sanitation and safety protocols. All cats are given a medical exam, administered standard vaccines, and are spayed or neutered prior to adoption.

B. Animal Related Uses Defined:

i. City of Shoreline Municipal Code.

1. Title 6 Animal Control Regulations defines “animal shelter” and “cattery” in SMC 6.05.020 separately as follows:

- a. “Animal shelter” means a facility that is used to house or contain stray, homeless, abandoned or unwanted animals and that is owned, operated or maintained by a public body, an established humane society, animal welfare society, society for the prevention of cruelty to animals or other nonprofit organization or person devoted to the welfare, protection and humane treatment of animals.
- b. “Cattery” means a place where adult cats are temporarily boarded for compensation, whether or not for training. An adult cat is one of either sex, altered or unaltered, that is at least six months old.
- c. SMC 6.05.020 does not define veterinary clinic.

2. Title 20 Development Code contains two (2) animal related uses in the use tables found in SMC 20.40.130 and 20.40.160. These are “Kennel or Cattery” and “Veterinary Clinics and Hospitals.” Title 20 does not contain a use called “animal shelter.”

- a. SMC 20.20.014 defines “cattery” as “A place where adult cats are temporarily boarded for compensation, whether or not for training. An adult cat is of either sex, altered or unaltered, that has reached the age of six months.”

- b. SMC 20.20 does not define veterinary clinic, however, the tables found in SMC 20.40.130 and 20.40.160 list the NAICS (North American Industry Classification System) number for “Kennel or Cattery” as 812910 and the NAICS number for “Veterinary Clinics and Hospitals” as 541940.
 - 3. SMC 20.40.240 outlines animal keeping regulations as accessory to a residential use. Although not applicable to commercial operations it provides a helpful context in which to understand the various types of animals that might be adopted from a commercial operation, such as an animal shelter, and end up in a residential home as a pet. The “small animals” referenced in SMC 20.40.240(C) include dogs, cats, and those kept in aquariums, terrariums, cages, or similar containers.
 - ii. The NAICS defines “812910 Pet Care (except Veterinary) Services” as follows, “This industry comprises establishments primarily engaged in providing pet care services (except veterinary), such as boarding, grooming, sitting, and training pets.” The NAICS defines “541940 Veterinary Services” as follows, “This industry comprises establishments of licensed veterinary practitioners primarily engaged in the practice of veterinary medicine, dentistry, or surgery for animals; and establishments primarily engaged in providing testing services for licensed veterinary practitioners. Illustrative Examples: Animal hospitals; Veterinary clinics; Veterinarians' offices; Veterinary testing laboratories.”
- C. Zoning Districts Where Animal Related Uses are Allowed

Research was conducted into the zoning codes of four (4) nearby cities that have animal shelters. Only the City of Seattle has a zoning code with a land use called “animal shelter.” Woodinville has a use called “Public agency animal control facility” which is akin to “animal shelter.” The other two cities, Bellevue, and Everett, have animal shelters operating within their city limits so it is unclear how these shelters are classified from a land use perspective, so animal related uses, like kennels and veterinary offices, were looked at instead. Based on the research, animal shelters appear to be primarily allowed in Industrial zoning districts, while kennels are allowed in more zones, such as commercial zoning districts, and rural and agricultural zoning districts, and veterinary offices are allowed in even more zoning districts, including commercial, office, and even residential districts in some instances.

- i. Bellevue: “Boarding or Commercial Kennels” is a conditional use in the R-1 zoning district and is a permitted use subordinate to a veterinary clinic/hospital in the OLB2 (Office/Limited Business 2) and NMU (Neighborhood Mixed Use) zoning districts. “Veterinary Clinic and Hospital” is a permitted use in the following zoning districts: O (Office), PO (Professional Office), OLB2 (Office/Limited Business 2), LI (Light Industry), GC (General Commercial), NB (Neighborhood Business), NMU (Neighborhood Mixed Use), CB (Community Business), and F1 (Factoria Land Use District 1).
- ii. Everett: “Kennel/pet boarding” is a permitted use in the following zoning districts: Institutional Overlay in A-1; and B-2, E-1, C-1, C-2, and M-2. “Veterinary

Clinic” is a permitted use in the following zoning districts: B-2, B-2(B), BMU, E-1, C-1, C-1R, C-2 and M-2.

- iii. Seattle: “Animal shelters and kennels” is a permitted use (subject to maximum size limitations) in the following zoning districts: IC, IG1, IG2, IG1 in the Duwamish M/I Center, and IG2 in the Duwamish M/I Center; it is a permitted use in the Shoreline Master Plan Urban General (UG) Environment zoning district; it is a permitted use on upland lots in the following Shoreline Master Plan zoning districts: Urban Commercial (UC) Environment, Urban Harborfront (UH) Environment and the Urban Maritime (UM) Environment; and is permitted in IB but only if maintained and operated for the impounding, holding and/or disposal of lost, stray, unwanted, dead or injured animals.
 - iv. Shoreline: “Kennel or Cattery” is a permitted use subject to supplemental use criteria in the following zoning districts: MB (Mixed Business), TC-1 (Town Center-1), TC-2 (Town Center-2) and TC-3 (Town Center-3); it is a conditional use in the CB (Community Business) zoning district; and is a conditional accessory use in the MUR-70’ (Mixed Use Residential-70’) zoning district. “Veterinary Clinics and Hospitals” is a permitted use subject to supplemental use criteria in the following zoning districts: NB (Neighborhood Business), CB, MB, TC-1, TC-2, TC-3 and MUR-70’; and it is a conditional use in the R-18 (Residential-18), R-24 (Residential-24) and R-48 (Residential-48) zoning districts.
 - v. Woodinville: “Pet care services” is allowed as conditional use and only as an accessory to a residential use that have to following certain criteria in the following zoning districts: R1 – 4; it is a permitted use subject to certain criteria in the following zoning districts: GB, CBD and I. “Veterinary services” is a permitted use in the I zoning district; it is a permitted use subject to certain criteria in the following zoning districts: NB, GB and CBD. “Public agency animal control facility” is a permitted use subject to certain criteria in the I zoning district; it is allowed with a special use permit and subject to certain criteria in the P/I zoning district.
- D. Purpose of Commercial Zoning Districts and the MUR-70’ Zoning District: The purpose of the City of Shoreline’s Commercial Zoning Districts (NB, CB, MB, TC-1, TC-2 and TC-3) are to allow for higher density residential uses, and office, business and services uses of various intensity. The NB and CB zoning district generally allow less intense uses and serve as transition zones to the other Commercial Zoning Districts (MB, TC-1, TC-2 and TC-3) that allow a broader range of uses. The MB zoning district is the most intense zoning district in the City and allows many industrial uses that are not allowed elsewhere. The City of Shoreline has no Industrial zoning districts. The purpose of the MUR-70’ zoning district is to provide for multifamily residential, as well as commercial uses within the light rail station areas that are compatible and complementary to multifamily residential.
- E. Gaps in Animal Related Uses in Land Use Codes: The land use codes examined include the following animal related land uses: animal shelter, commercial kennel, and veterinary clinic. It is also typical for some land use codes to separate out dog grooming and dog

daycares (no overnight stays). A more recent development in animal related land use is the rise and popularity of animal rescues which differ significantly in scale from the traditional city or county “dog pound” animal shelter model of operation. These rescues tend to target specific animal types, such as just cats, or even specific breeds, such as pug rescues. Because of the specificity of animal to a particular rescue the operational components and corresponding impacts to neighboring properties can vary greatly. Particularly with the exclusion or inclusion of dogs. Because dogs generally need outdoor space to exercise and defecate/urinate they have more impact on neighboring properties in terms of noise and odor. An animal rescue that only serves animals that can be kept entirely inside do not have these noise and odor impacts on neighboring properties. An “Indoor Animal Rescue” use has some operational components and impacts shared by the uses included in staff research but is unique enough to be identified as its own category. A comparison and summary of these operational components and impacts is included below.

Table 1: Animal Related Uses Operational Components

	Animal Shelter	Dog Daycare	Indoor Animal Rescue	Kennel/Cattery	Pet Grooming	Veterinary Clinic (no dog runs)
Boarding:						
• Overnight						
• Day time only						
Grooming:						
• Limited						
• Extensive						
Medical Care:						
• General Public						
• Only Resident Population						
Retail Sales						
Outdoor Runs						

Table 2: Animal Related Uses Impacts

	Animal Shelter	Dog Daycare	Indoor Animal Rescue	Kennel/Cattery	Pet Grooming	Veterinary Clinic (no dog runs)
Odor:						
• Contained in the building						
• Outside impacts						
Noise:						
• Contained in the building						
• Outside impacts						

Based on the preceding tables, the “Indoor Animal Rescue” use is most similar in the cumulative operational components and impacts as the veterinary clinic use.

III. Applicable Section(s) of Shoreline Municipal Code (SMC)

Shoreline Municipal Code (SMC) Section 6.05.020(F) states:

“Animal shelter” means a facility that is used to house or contain stray, homeless, abandoned or unwanted animals and that is owned, operated or maintained by a public body, an established humane society, animal welfare society, society for the prevention of cruelty to animals or other nonprofit organization or person devoted to the welfare, protection and humane treatment of animals.

Shoreline Municipal Code (SMC) Section 20.20.014 states:

Cattery A place where adult cats are temporarily boarded for compensation, whether or not for training. An adult cat is of either sex, altered or unaltered, that has reached the age of six months.

Shoreline Municipal Code (SMC) 20.40.040 Nonresidential zones states:

A. The purpose of the neighborhood business (NB) zone is to allow for low intensity office, business and service uses located on or with convenient access to arterial streets. In addition, these zones serve to accommodate medium and higher density residential, townhouses, and mixed-use types of development, while serving as a buffer between higher intensity uses and residential zones.

B. The purpose of the community business zone (CB) is to provide location for a wide variety of business activities, such as convenience stores, retail, personal services for the local community, and to allow for apartments and higher intensity mixed-use developments.

C. The purpose of the mixed business zone (MB) is to encourage the development of vertical and/or horizontal mixed-use buildings or developments along the Aurora Avenue and Ballinger Way corridors.

D. The purpose of the town center zones (TC) is to provide for a central location that connects the major east-west and north-south connections in the City with a district that has the highest intensity of land uses, civic developments, and transportation-oriented design.

Shoreline Municipal Code (SMC) 20.40.046 Mixed-use residential (MUR) zones states (in part):

A. The purpose of the mixed-use residential (MUR) zones (MUR-35', MUR-45', and MUR-70') is to provide for a mix of predominantly multifamily development ranging in height from 35 feet to 70 feet in appropriate locations with other nonresidential uses that are compatible and complementary.

B. Specific mixed-use residential zones have been established to provide for attached single-family residential, low-rise, mid-rise, and high-rise multifamily residential. The mixed-use residential zones also provide for commercial uses, retail, and other compatible uses within the light rail station subareas.

Shoreline Municipal Code (SMC) 20.40.130 Nonresidential uses states:

Table 20.40.130 Nonresidential Uses

NAICS #	SPECIFIC LAND USE	R4-R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
RETAIL/SERVICE									
812910	Kennel or Cattery						C-i	P-i	P-i
541940	Veterinary Clinics and Hospitals			C-i		P-i	P-i	P-i	P-i

<i>P = Permitted Use</i>	<i>S = Special Use</i>
<i>C = Conditional Use</i>	<i>-i = Indexed Supplemental Criteria</i>

Shoreline Municipal Code (SMC) 20.40.160 Station area uses states:

Table 20.40.160 Station Area Uses

NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
COMMERCIAL				
	Kennel or Cattery			C-A
	Veterinary Clinic and Hospital			P-i

<i>P = Permitted Use</i>	<i>C = Conditional Use</i>
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NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
<i>S = Special Use</i>		<i>-i = Indexed Supplemental Criteria</i>		
<i>A= Accessory = Thirty percent (30%) of the gross floor area of a building or the first level of a multi-level building.</i>				

Shoreline Municipal Code (SMC) Section 20.40.240(A) through (C) states:

20.40.240 Animals – Keeping of.

- A. Purpose. Establish regulations for the keeping of animals that will minimize nuisances and disturbances caused by animals, minimize the impact of livestock on the environment and prevent cruelty to animals.*
- B. Permitted Accessory Use. The keeping of pets, and the raising, keeping, and breeding of small animals, bees, and livestock, are allowed as an accessory use to residential uses in any zone, subject to the regulations of this section and SMC Title 6, Animal Control Regulations. Keeping of animals related to commercial uses is not subject to this section and is covered in SMC Title 6.*
- C. Small Animals. The maximum numbers of small animals are as follows; small animals on the premises less than two months in age are excluded from the density limitations:*
 - 1. Small animals which are kept exclusively in a dwelling as household pets including those kept in aquariums, terrariums, cages, or similar containers shall not be limited in number, except as may be provided in SMC 20.30.740.*
 - 2. Regardless of the total numbers of animals allowed in this section, the total number of unaltered adult cats and dogs per household shall not exceed three; provided, that all unaltered animals kept outdoors must be kept on a leash or in a confined area.*
 - 3. The total maximum of a combination of small animals allowed outside, including dogs and cats, shall be limited to three per household on lots of less than 20,000 square feet. One additional small animal is allowed with each additional 5,000 square feet of site area over 20,000 square feet, up to a maximum of 20.*

Shoreline Municipal Code (SMC) Section 20.40.430 states:

20.40.430 Kennels and catteries.

Kennels and catteries are subject to the following requirements:

- A. Run areas shall be completely surrounded by an eight-foot solid wall or fence; and*
- B. Kennels and catteries shall be on sites of 35,000 square feet or more, and buildings used to house animals shall be a minimum distance of 50 feet from property lines abutting residential zones; and*
- C. An animal waste disposal plan which ensures that all animal wastes are disposed of consistent with public health regulations.*

Shoreline Municipal Code (SMC) Section 20.40.570 states:

20.40.570 Unlisted use.

A. Recognizing that there may be uses not specifically listed in this title, either because of advancing technology or any other reason, the Director may permit or condition such use upon review of an application for Code interpretation for an unlisted use (SMC 20.30.040, Type A action) and by considering the following factors:

- 1. The physical characteristics of the unlisted use and its supporting structures, including but not limited to scale, traffic, hours of operation, and other impacts; and*
- 2. Whether the unlisted use complements or is compatible in intensity and appearance with the other uses permitted in the zone in which it is to be located.*

B. A record shall be kept of all unlisted use interpretations made by the Director; such decisions shall be used for future administration purposes.

Shoreline Municipal Code (SMC) Section 20.40.590 states:

20.40.590 Veterinary clinics and hospitals.

Veterinary clinics and hospitals are permitted under the following provisions:

- A. No burning of refuse or dead animals is allowed.*
- B. The portion of the building or structure in which animals are kept or treated shall be constructed so as to prevent incursion of noise from animals into any residential zone.*
- C. All run areas shall be surrounded by an eight-foot solid wall and surfaced with concrete or other impervious material.*
- D. The provisions of this Code relative to animal keeping are met.*

IV. Consideration of the Unlisted Use criteria cited in SMC 20.40.570

Recognizing that there may be uses not specifically listed in this title, either because of advancing technology or any other reason, the Director may permit or condition such use upon review of an application for Code interpretation for an unlisted use (SMC 20.30.040, Type A action) and by considering the following factors:

Criteria (A)(1). The physical characteristics of the unlisted use and its supporting structures, including but not limited to scale, traffic, hours of operation, and other impacts.

Although submitted application materials were for “Animal Shelter” as an unlisted use, through research and analysis staff is instead providing a code interpretation on “Indoor Animal Rescue” as an unlisted use.

- A. Scale.** The SAFe Rescue is not operating at the scale of a typical animal shelter which serves an entire city or county. The current space is 1,770 square feet for the Recue operation with an additional 1,000 square feet in a separate tenant space used for office administration. The rescue would like to expand to a 3,000 to 4,000 square foot space. This is primarily to allow more room for the existing operation, rather than a significant expansion, although it is anticipated they will care for approximately ten (10) more cats than the current operation. Indoor Animal Rescues can vary in scale, but the scale of the operation (e.g., indoor square

footage) does not equate to increase impacts to the surrounding neighborhood, except for vehicle traffic.

- B. **Traffic.** At any one time approximately 5-15 staff and volunteers are onsite. The current location is located along Aurora Ave N near a RapidRide E Line bus stop, and SAFe Rescue administration indicates that two staff members and approximately 25 percent of their volunteers walk or use public transportation. The traffic impact of the Indoor Animal Rescue use generally speaking is a function of the square footage devoted to the housing of the cats. There is no itemized parking requirement for the Kennel/Cattery use but for Veterinary Clinics it is 1 per 300 square feet of office, labs, and examination rooms. Therefore, the required parking for the Indoor Animal Rescue use is 1 per 300 square feet of area used to house cats under its care.
- C. **Hours of Operation.** The SAFe Rescue operates during typical business hours (care for the cats M-Su from 8:30am to 7pm; retail and adoption center Th-M from 1pm to 7pm), and in fact are more limited than most retail uses including convenience stores and grocery stores. These hours are typical for the Indoor Animal Rescue use, although some may have expanded hours for cat care to as early as 8am and as late as 8pm, and the retail hours may follow more typical retail hours of 11am to 8pm daily. These hours of operation are to be expected in any commercially zoned area.
- D. **Other Impacts.** The SAFe Rescue only serves cats, not dogs, and all cats are kept inside, so impacts that may be experienced at animal shelters with dogs, such as noise and odor from outdoor runs, are not an impact of this operation. However, there could be some potential noise impacts to adjoining tenant spaces if additional sound-proofing construction methods are not used. The odor from litter boxes is addressed with ventilation systems. Concerns with disease spread are addressed with onsite vaccinations. Other impacts are typical of any commercial use.

Criteria (A)(2). Whether the unlisted use complements or is compatible in intensity and appearance with the other uses permitted in the zone in which it is to be located.

- A. NB (Neighborhood Business): Veterinary clinics are a permitted use in this zone, subject to supplemental use criteria, therefore the Indoor Animal Rescue use is allowed in NB subject to those supplemental use criteria.
- B. CB (Community Business): Veterinary clinics are a permitted use in this zone, subject to supplemental use criteria, therefore the Indoor Animal Rescue use is allowed in CB subject to those supplemental use criteria.
- C. MB (Mixed Business): Veterinary clinics are a permitted use in this zone, subject to supplemental use criteria, therefore the Indoor Animal Rescue use is allowed in MB subject to those supplemental use criteria.

- D. TC-1 (Town Center-1), TC-2 (Town Center-2) and TC-3 (Town Center-3): Veterinary clinics are a permitted use in this zone, subject to supplemental use criteria, therefore the Indoor Animal Rescue use is allowed in these zones subject to those supplemental use criteria.
- E. MUR-70': Veterinary clinics are a permitted use in this zone, subject to supplemental use criteria, therefore the Indoor Animal Rescue use is allowed in MUR-70' subject to those supplemental use criteria.

V. CONCLUSIONS

In terms of overall operational components and offsite impacts, the Indoor Animal Rescue use is most similar to the Veterinary Clinic use and therefore is allowed in the same zoning districts subject to the supplemental use criteria for the Veterinary Clinic use. In addition, requirements related to indoor odor control and setting a required parking ratio should be included in the decision.

Based on these findings, unlisted use criteria, and conclusions, staff recommends allowing the "Indoor Animal Rescue" use in the following zoning districts: NB, CB, MB, TC-1, TC-2, TC-3 and MUR-70'.

VI. DECISION:

"Indoor Animal Rescue" which is defined as "a facility run by a non-profit entity that is licensed and regulated as an Animal Shelter by the King County Department of Public Health, and houses unwanted animals that can be kept and cared for entirely inside a building and kept in aquariums, terrariums, cages or similar containers, and may include veterinary services for such animals" is a Permitted use in the following zoning districts: NB, CB, MB, TC-1, TC-2, TC-3 and MUR-70' subject to the supplemental use criteria for Veterinary Clinics and Hospitals found in SMC 20.40.590 and the following additional conditions:

- (1) The operation shall include adequate ventilation systems to manage indoor waste odors (e.g., excrement and urination); and
- (2) Adequate off-street parking shall be provided. Required parking for the Indoor Animal Rescue is 1 per 300 square feet of area used to house the animals. If the use includes a retail component, retail parking shall be calculated separately and in addition to the required Indoor Animal Rescue parking.

Note: This decision does not vest a project and is subject to the code in effect at the time of this action.

Rachael E. Markle signed electronically _____

2/5/21 _____

Director's Signature

Date

Prepared by: Cate Lee, Associate Planner