

Village Manager _____ Date _____



MEMORANDUM

TO: Scott R. Niehaus, Village Manager

FROM: Trevor Dick, FAICP, LEED AP
Director of Economic Development and Planning

DATE: November 18, 2025

SUBJECT: **Recommendation for a Temporary Moratorium and Possible Text Amendment – Pet Shop Use Clarification**

Staff is requesting Board approval to establish a short-term (120 days), Village-wide moratorium on new retail uses involving the sale of live dogs (“Retail Dog Sales Uses”) within the Village of Lombard. This pause will allow Village staff and the Plan Commission the necessary time to study and evaluate the land use impacts of these uses to prepare possible text amendments to Chapter 155 (Zoning Ordinance) for the Village Board’s consideration.

BACKGROUND

As part of the Village’s ongoing efforts to maintain and improve Chapter 155, staff recently reviewed the Zoning Ordinance’s treatment of pet shops and other retail animal uses in connection with a zoning inquiry.

The Zoning Ordinance currently lists “**pet shop**” as a use category in certain commercial districts but does not define the term or expressly distinguish between (1) pet shops that sell live dogs to the public; and (2) pet shops that sell other animals and pet supplies without live dog sales.

Historically, staff has administered the “pet shop” use category to include retail dog-selling operations. However, because “pet shop” is undefined, there is potential for future disagreement and uncertainty about how uses involving the retail sale of live dogs should be classified and regulated under the Zoning Ordinance.

At the same time, changes in state-level animal-welfare regulations and licensing practices have drawn renewed attention to retail dog sales as a distinct business model. These developments underscore the value of ensuring that Lombard’s zoning regulations clearly and independently address the land-use impacts of such uses (e.g., sanitation, ventilation, noise, deliveries, animal housing, neighborhood compatibility), separate and apart from state licensing labels.

RECOMMENDATION

Staff recommends that the Board:

1. Adopt a temporary, narrowly tailored moratorium on new Retail Dog Sales Uses, and
2. Direct staff to study and prepare possible text amendments to clarify the zoning treatment of pet shops and Retail Dog Sales Uses.
3. If a change to the code is recommended, the process would be as follows:
 - a. Petition by the Village
 - b. Public Hearing held by the Plan Commission
 - c. Final Vote by the Village Board

The attached ordinance would establish a 120-day moratorium during which the Village would not accept, process, or approve applications that would newly authorize a Retail Dog Sales Use at a location where such a use is not lawfully established today. For purposes of the ordinance:

“Retail Dog Sales Use” means any retail establishment in which live dogs are offered for sale or adoption, with or without charge, to members of the public, whether or not other animals or pet supplies are also sold on the premises.

ACTION REQUESTED

Please place this item on the November 20, 2025 Village Board agenda.

ORDINANCE NO. _____

**AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON NEW PET SHOPS WITH
DOG SALES AND DIRECTING STUDY AND PREPARATION OF TEXT AMENDMENTS**

WHEREAS, the Village of Lombard (“Village”) is a non-home-rule municipality organized and operating under the Illinois Municipal Code, 65 ILCS 5/1-1-1 et seq.; and

WHEREAS, pursuant to 65 ILCS 5/11-13-1 et seq., the Village is authorized to adopt and amend zoning regulations to promote the public health, safety, comfort, and general welfare, and to regulate the location and use of buildings and land; and

WHEREAS, Chapter 155 of the Lombard Municipal Code (“Zoning Ordinance”) establishes zoning districts and lists permitted and conditional uses within those districts, including “pet shop” as a use category; and

WHEREAS, the current Zoning Ordinance does not expressly distinguish between pet shops that sell live dogs and pet shops that do not sell live dogs, even though uses involving the retail sale of live dogs may present distinct land-use impacts relating to sanitation, ventilation, noise, deliveries, animal housing, and neighborhood compatibility; and

WHEREAS, the Village Board of Trustees (“Village Board”) desires to study and consider whether the Zoning Ordinance should be amended to address uses involving the retail sale of live dogs, including, without limitation, whether and how to distinguish such uses from other pet shops and whether such uses should be permitted, conditional, or otherwise regulated through additional, impact-based standards; and

WHEREAS, Village staff, in consultation with the Village Attorney, is undertaking a review of the existing Zoning Ordinance provisions applicable to pet shops and other retail uses involving live animals, and will prepare proposed text amendments to Chapter 155 for consideration by the Plan Commission and Village Board; and

WHEREAS, the Village Board finds that, during the pendency of such study and the public hearing process on any proposed text amendments, it is reasonable and necessary to impose a short, narrowly tailored moratorium on new uses involving the retail sale of live dogs in order to preserve the status quo, to prevent inconsistent outcomes, and to avoid potential adverse impacts that could undermine the purpose of any future amendments; and

WHEREAS, the Village Board further finds that this temporary moratorium is of limited duration, is reasonably related to the Village's legitimate land-use planning objectives, and preserves the status quo while the Village undertakes and completes its legislative process, and therefore is a valid exercise of the Village's zoning and police powers;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

SECTION 1. Definitions. For purposes of this Ordinance only, the following term shall have the meaning set forth below:

"Retail Dog Sales Use" means any retail establishment in which live dogs are offered for sale or adoption, with or without charge, to members of the public, whether or not other animals or pet supplies are also sold on the premises.

Nothing in this section shall be construed to determine or limit how the Village Board may ultimately define, classify, or regulate such uses in Chapter 155 as part of any future text amendment.

SECTION 2. Temporary Moratorium on New Retail Dog Sales Uses.

A. **Moratorium Established.** For the period set forth in Section 4 of this Ordinance, the Village shall not accept, process, or approve any of the following applications, if and to the extent such applications would newly authorize a Retail Dog Sales Use at a

location where such use is not lawfully established as of the Effective Date (as defined in Section 7):

1. Applications for amendments to the Zoning Ordinance or Zoning Map, special or conditional uses, planned developments, or variations under Chapter 155, where the proposed use includes a Retail Dog Sales Use;
2. Applications for building permits whose stated scope of work includes establishing a Retail Dog Sales Use;
3. Applications for new business registrations, business licenses, or certificates of occupancy, where the proposed principal use includes Retail Dog Sales Use.

B. Existing Lawful Uses Not Affected. Nothing in this Ordinance shall be construed to prohibit or limit the continuation of any lawfully established Retail Dog Sales Use that is operating pursuant to a valid certificate of occupancy and all other required Village approvals as of the Effective Date, at the specific location for which such approvals were issued. Such existing uses may continue to operate in the ordinary course, subject to all applicable codes and regulations.

C. Expansions and Relocations Included In Moratorium. During the moratorium period, the Village shall not accept, process, or approve applications that would:

1. Expand the floor area or premises devoted to a Retail Dog Sales Use beyond the area lawfully occupied by such use as of the Effective Date; or
2. Relocate an existing Retail Dog Sales Use, in whole or in part, to a different tenant space, building, or lot.

SECTION 3. Direction to Staff; Study and Possible Text Amendments. Village staff, with the assistance of the Village Attorney, is hereby directed to study and evaluate the Village's existing zoning regulations applicable to pet shops and other retail uses involving live animals, including those that involve the retail sale of live dogs, and to prepare draft text amendments to

Chapter 155 for consideration by the Plan Commission and Village Board. Such draft amendments may address, without limitation:

1. Whether and how to distinguish uses involving the retail sale of live dogs from other pet shops;
2. The zoning districts in which any such uses should be permitted, conditional, or prohibited; and
3. Appropriate review procedures and performance standards intended to address land-use impacts, including but not limited to sanitation, ventilation, noise, deliveries, animal housing, and neighborhood compatibility.

Nothing in this Ordinance shall be construed to obligate the Village Board to adopt any particular text amendment or to make any particular determination with respect to the zoning classification or regulation of Retail Dog Sales Uses. The Village Board expressly reserves its full legislative discretion to approve, modify, or deny any proposed text amendment following the required public hearing process.

SECTION 4. Duration; Expiration. The moratorium established by this Ordinance shall commence on the Effective Date and shall remain in effect for a period of **one-hundred twenty (120) days** following the Effective Date, unless:

1. Terminated earlier by ordinance of the Village Board; or
2. Extended by ordinance of the Village Board for an additional period, upon written findings that additional time is reasonably necessary to complete the zoning study and any related text amendments described in Section 3.

If no extension is adopted, this Ordinance and the moratorium shall automatically expire without further action of the Village Board.

SECTION 5. Severability. If any provision of this Ordinance, or its application to any person or circumstance, is held invalid by a court of competent jurisdiction, such invalidity shall not affect any other provision or application of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

SECTION 6. Repeal of Conflicting Ordinances. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 7. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law (the "Effective Date").

Passed on first reading this ___ day of _____, 2025.

First reading waived by action of the Board of Trustees this ___ day of _____, 2025.

Passed on second reading this ___ day of _____, 2025, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this ___ day of _____, 2025.

Anthony Puccio, Village President

ATTEST:

Ranya Elkhatib, Village Clerk