

ORDINANCE NO. 7

Series 2025

December 10, 2025: Introduced as Council Bill 7, Series 2025 by Councilor Robert Eber, seconded by Councilor Susan Maguire, and considered in full text as an emergency ordinance. Passed by a vote of 6 yes and 0 no.

A BILL FOR AN EMERGENCY ORDINANCE OF THE CITY OF CHERRY HILLS VILLAGE ESTABLISHING A TEMPORARY MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF NEW APPLICATIONS SEEKING THE APPROVAL OF A SUBDIVISION AND DECLARING AN EMERGENCY

WHEREAS, the City of Cherry Hills Village (the "City") is a home rule municipal corporation created and organized pursuant to Article XX of the Colorado Constitution and the Cherry Hills Village Home Rule Charter; and

WHEREAS, pursuant to C.R.S. § 31-15-401, the City has broad authority to exercise its police powers to promote and protect the health, safety, and welfare of the community and its residents; and

WHEREAS, C.R.S. § 29-20-104 grants home rule cities the authority to plan for and regulate the planned and orderly use of land based on the impact thereof on the community; and

WHEREAS, temporary suspensions on the acceptance and on the processing of applications and permits (commonly called moratoria) for land uses are a judicially approved method or means of enabling local governments to plan for, regulate, and protect the health, safety, and welfare of the community; and

WHEREAS, pursuant to Chapter 17 of the Cherry Hills Village Municipal Code (the "Municipal Code"), the City has adopted the Subdivision Regulations of the City of Cherry Hills Village, Colorado (the "Subdivision Regulations") to provide for the subdivision of land within the City; and

WHEREAS, according to the Subdivision Regulations, the City requires all subdividers to dedicate land or a cash payment in lieu to address the impact of subdivisions on open space, parks, trails, and other community recreational, cultural, educational, and civic amenities and facilities (the "City Facilities"); and

WHEREAS, the dedication requirement was adopted in 2004, and the City desires to analyze the dedication requirement to determine whether it reflects current City needs; and

WHEREAS, the imposition of a legislatively adopted dedication requirement requires a comprehensive study to establish the impact of new development on City Facilities, and staff anticipates that the study will take approximately nine months to complete; and

WHEREAS, the City Council finds that imposing a temporary moratorium through and including September 10, 2026, on the City's acceptance and processing of new subdivision applications is in the best interests of the City, and is necessary: (1) to allow the City time to study the impact of development on City Facilities; and (2) to enact regulations to mitigate such impacts.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE, COLORADO, ORDAINS:

Section 1. Recitals Incorporated. The foregoing recitals are hereby adopted as findings of the City Council and are incorporated herein by reference.

Section 2. Temporary Moratorium Enacted. The City hereby imposes a moratorium as set forth herein. No new applications or requests for City approval of sketch plats, preliminary plats, final plats, amended plats, and minor subdivisions under Chapter 17 of the Municipal Code shall be accepted, reviewed, considered, or approved until such time as the moratorium imposed by this Ordinance is terminated or repealed, unless otherwise expressly provided in this Ordinance. The provisions of this Ordinance are temporary in nature and are intended to be repealed by a subsequent legislative enactment. The temporary moratorium established by this Ordinance shall automatically terminate, and this Ordinance shall automatically be repealed, as of September 10, 2026, unless terminated earlier by the City Council or extended in its duration by the enactment of another ordinance. Nothing contained in this Ordinance shall be construed to limit or preclude the City Council from terminating, repealing, modifying, or amending this Ordinance prior to the date and time of expiration and repeal set forth in this section.

Section 3. Preservation of the Status Quo and Violation. Any person or entity that has formally submitted a complete application for a sketch plat, preliminary plat, final plat, amended plat, or minor subdivision to the City that is suitable for processing or received final approval of a sketch plat, preliminary plat, final plat, amended plat, or minor subdivision from the City prior to the effective date of this Ordinance may proceed with the review, processing, and development of such application or approval in accordance with the Municipal Code. Any person who violates this Ordinance may be subject to the general penalty provisions of the Municipal Code.

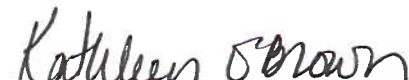
Section 4. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance, and the remaining provisions shall remain valid and in full force and effect.

Section 5. Emergency Declared. The City Council hereby finds and declares that the passage of this ordinance is necessary for the immediate preservation of the public peace, health, and safety.

Section 6. Effective Date. In accordance with Section 4.5 of the Charter, this emergency ordinance shall require only one reading, shall not require a public hearing or publication before final passage, and shall be effective immediately upon passage. Publication of this Ordinance shall be as soon as reasonably possible after final passage.

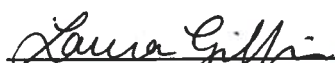
Adopted as Ordinance No. 7, Series 2025, by the City Council
of the City of Cherry Hills Village, Colorado, on the 10th day of
December, 2025.

(SEAL)


Kathleen Brown, Mayor

ATTEST:

Approved as to form:


Laura Gillespie, City Clerk


Kathie B. Guckenberger, City Attorney

Published in the Villager
Published: 12/18/25
Legal #: 31114

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ADOPTION OF ORDINANCE
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