

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF CHERRY HILLS VILLAGE
OPPOSING STATE HOUSE BILL 24-1152
REGARDING ACCESSORY DWELLING UNIT PREEMPTIONS

WHEREAS, for over a century, the State of Colorado has committed both in statute and in the state constitution to the local control of land use planning and zoning because local governments are closest to the land and to the people that occupy it; and

WHEREAS, the Colorado Supreme Court has consistently recognized that the exercise of land use planning and zoning to be a matter of local concern; and

WHEREAS, zoning and land use cannot be viewed separately from the impacts of proposed uses of land on surrounding properties and a community as a whole, including the ability to ensure adequate water and utilities; to provide enough public safety services, schools, and recreational services; to make sure that sufficient and safe infrastructure is available to handle increased population or more intense uses; to align development with the community’s economic goals; to prevent displacement of existing people; to preserve important historical sites; to protect open space and the environment in general, and to implement a local master plan like the one that Cherry Hills Village adopted in 2022; and

WHEREAS, House Bill 24-1152 would usurp traditional local control of land use and zoning matters by requiring accessory dwelling units to be allowed as an accessory use to single-unit detached dwellings in select areas of the state, thereby replacing the judgment of local elected officials with the judgment of legislators and state regulators who lack the understanding needed to make appropriate decisions for local communities; and

WHEREAS, House Bill 24-1152 will undermine municipalities’ long-range planning efforts and will severely limit their ability to maintain reasonable zoning regulations to ensure a high quality of life and sound economic environment for their current and future residents, workers, and business owners; and

WHEREAS, House Bill 24-1152 infringes on citizens’ rights by taking away the right to exercise their constitutional rights of initiative or referendum to address zoning and land use matters; and

WHEREAS, the Cherry Hills Village Municipal Code already permits accessory dwelling units, subject to reasonable design review protocols, and the proposed legislation is an unnecessary infringement to Cherry Hills Village residents and our Municipal Code.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE:

Section 1. It is the position of the City of Cherry Hills Village that the accessory dwelling unit issue is important, but that municipalities are best suited to regulate accessory dwelling units in their communities and that local collaboration and cooperation – not top-down statewide mandates and giveaways to special interests – are the solution to Colorado’s affordable housing problem; and

Section 2. The City of Cherry Hills Village opposes House Bill 24-1152 and strongly urges its legislators to vote NO on this unprecedented and irresponsible preemption that is unneeded, unwelcome, and without consideration to existing local ordinances that already permit accessory dwelling units.

Section 3. Effective Date. This Resolution shall be effective immediately upon its adoption.

Introduced, passed and adopted at a
regular meeting of City Council this 6th day
of February 2024, by a vote of 5 yes and 0 no.

(SEAL)

Kathleen Brown, Mayor

ATTEST:

Laura Gillespie, City Clerk

APPROVED AS TO FORM:

Kathie B. Guckenberger, City Attorney