



Council Memorandum

To: The Honorable Mayor and City Council
From: Anne Beierle, Public Works Director and
Joe Harvey, Chief of Police
Through: Scott Vargo, City Manager
Date: June 17, 2025
Re: Construction Impacts Mitigation

Purpose of Agenda Item:

For Council to discuss staff suggestions for modifications to the municipal code to address impacts of infill construction to neighboring residents and businesses.

Background:

Council has requested that staff develop modifications to the municipal code to mitigate the impacts of construction. Requested in the changes are construction hours, noise, vibration, construction parking, street closures, staging and light impacts.

Recommendation:

Staff has researched how other municipalities address similar concerns and met internally to discuss options and enforceability. Staff proposes the following:

Noise: Address with changes to the exemption for construction noise and delivery vehicle idling in Title 5. Current code exemption is daily between 7 am and 9 pm. Staff recommends reducing the hours to 7am and 7 pm and eliminating the exemption on Sundays and major holidays (MLK Day, Presidents Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day and New Year's Day). This is in line with other metro area municipalities.

Light: Modify Chapter 18.34 to clarify that the lighting standards requiring shielding also apply to light structures for temporary or construction lighting.

Construction Fencing: Define construction barrier in Title 5 as a sturdy barricade at least five feet in height and require such barriers for construction excavations. The lack of fencing is the most common complaint about construction sites that Code Enforcement currently receives. Defining construction barrier will make enforcement of this section of code much easier.

Construction Parking: Add a provision in Chapter 11.20 (Right-of-Way Regulations) that requires the general contractor for any construction project that will last longer than 30 days to provide a Construction Parking Plan. If construction parking is provided outside the right-of-way, no permit is required. If the ROW will be used for construction parking, a permit will be required and the existing provisions of 11.20.140(b) will be applied to assure that the parking will cause “the least interference with the rights and reasonable convenience of property owners and residents.”

Other Right-of-Way Issues: While the city does not have the ability to prohibit use or closure of public right-of-way for construction, permit applications will be reviewed with consideration of 11.20.140(b). Work hours will be modified to align with construction hours in Title 5. Section 11.20 will also be updated to clarify that “No Parking” signs related to ROW permits need to be placed at least 24 hours in advance and must include the dates when parking is prohibited.

Vibrations: No changes are currently being proposed to address vibrations. In Colorado, Northglenn and Greenwood Village treat noise and vibration interchangeably and address vibration concerns with limits on noise generating activities. Aurora has vibration limitations that are so subjective as to be impossible to enforce. None have numeric limitations on vibrations. While silent on vibrations, the proposals above would provide time related protections against vibrations related to construction.

Outside Colorado, municipalities that regulate vibrations have complex code requirements that consider the source of the vibrations and the age and construction materials/methods of the receptors. Most have in-house expertise and equipment to monitor such vibrations and/or requirements that companies performing certain activities perform and report such monitoring. Such a regulatory scheme would require significant research and expertise to develop. Should Council desire such an approach, staff will start with a budget request for consulting to support such an effort in 2026.

Education: Since staff plans to incorporate these changes into several sections of code, we understand that we need to make a deliberate effort to educate contractors about these requirements. Current ideas include adding construction days and hours to building permits at issuance. We are also considering updating an existing ROW fact sheet that we share with contractors during building permit review. This could be updated to clarify expectations, particularly the expectations for a construction parking plan.

Staff is interested in feedback on all the concepts above and any others that may be missing. In particular, staff is interested in suggestions for hours and days of operation for the construction noise exemption and the appropriate trigger for activities that require a

Construction Parking Plan. In addition, these proposals are currently intended to apply citywide. Staff is interested in feedback regarding application in different use zones.

After discussion, code modifications will be brought forward for consideration.