

**ORDINANCE NO. 28022**

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING TITLE 23 OF THE SAN JOSE MUNICIPAL CODE, THE SIGN CODE, TO AMEND CHAPTERS 23.02 AND 23.04 BY ADDING SECTION 23.02.043 AND AMENDING SECTION 23.04.020 TO PROVIDE FOR REGULATION OF ARCADE SIGNS, BY AMENDING SECTION 23.02.1010 AND SECTION 23.04.120 TO CLARIFY RESTRICTIONS ON INFLATABLE OR BALLOON SIGNAGE, BY AMENDING SECTION 23.04.020 TO AMEND ALLOWED SIGNAGE ON GASOLINE SERVICE STATION CANOPIES, BY AMENDING SECTION 23.04.030 TO CLARIFY REGULATIONS PERTAINING TO FREE-STANDING SIGNAGE ALONG STREET FRONTAGES, BY AMENDING SECTION 23.04.120 TO CLARIFY REGULATIONS PERTAINING TO KIOSK SIGNS IN THE DOWNTOWN SIGN ZONE, BY AMENDING SECTION 23.04.610 TO MODIFY THE REGULATIONS PERTAINING TO TEMPORARY SIGNS, AND BY MAKING RELATED CLARIFYING CHANGES**

**WHEREAS**, a Negative Declaration was prepared for the project by the Director of Planning, Building and Code Enforcement pursuant to the provisions of Chapter 21.12 of Title 21 of the San José Municipal Code, under File No. PP07-043, and said Negative Declaration became final as of April 17, 2007; and

**WHEREAS**, the City Council of the City of San José is the decision-making body for this proposed ordinance; and

**WHEREAS**, this City Council has considered and approved said Negative Declaration prior to taking any approval actions on this proposed ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN JOSE:**

**SECTION 1.** Chapter 23.02 of Title 23 of the San Jose Municipal Code is hereby amended by adding a new Section to be numbered and entitled and to read in its entirety as follows:

**23.02.043     Arcade Sign**

“Arcade sign” means a sign that is: (A) suspended from the ceiling of a covered pedestrian walkway, which covered walkway must be of at least six (6) feet in width and attached to the building, and (B) oriented perpendicular to the building face to which the covered walkway is attached.

**SECTION 2.** Section 23.02.1010 of Chapter 23.02 of Title 23 of the San Jose Municipal Code is hereby amended to read in its entirety as follows:

**23.02.1010 Prohibited signs; prohibited displays.**

- A. Unless otherwise expressly allowed in this Title, the following signs are prohibited:
1. Animated signs.
  2. Billboards.
  3. Inflatable or balloon signs.
  4. Mechanical movement signs.
  5. Portable signs.
  6. Roof signs.
  7. Flat roof-top signs.
  8. Signs facing and visible from a freeway unless the parcel on which the sign is located is within the Urban Service Area as indicated on the General Plan Land Use/Transportation Diagram, and (a) separated from the freeway by another public right-of-way, (b) has direct access to the freeway, or (c) the main public entrance to the building(s) presently on site are oriented towards the freeway.
  9. Signs placed on trees, rocks or other natural formations, except signs which identify the name of the natural formation; and
  10. Signs placed on trucks, buses, cars or other motorized vehicles:
    - a. Unless all of the following conditions exist:
      - (1) The vehicle is in operating condition, currently registered and licensed to operate on public streets;
      - (2) The sign is painted upon or otherwise permanently attached to the vehicle; and

(3) The primary purpose for which the vehicle is used is not for the stationary display of the sign.

b. This restriction shall not apply to temporary signs in vehicle windows.

B. The following displays used in conjunction with signs are prohibited:

1. Balloons;
2. High intensity beam lights; or
3. Strings of ribbons, tinsel, small flags, pennants, streamers, spinners, metallic disks, pinwheels, or other similar devices designed to move in the wind.

**SECTION 3.** Section 23.04.020 of Chapter 23.04 of Title 23 of the San José Municipal Code is hereby amended to read in its entirety as follows:

**23.04.020 Attached signs.**

A. Quantity.

1. No more than one (1) sign shall be permitted for each separate ground-level occupancy frontage, except that:
  - a. Any ground-level occupancy with more than one (1) occupancy frontage may have one (1) attached sign on each occupancy frontage, not to exceed four (4) frontages; and
  - b. Any ground-level occupancy exceeding twenty thousand (20,000) square feet may have up to three signs on one of its occupancy frontages and any ground-level occupancy exceeding fifty thousand (50,000) square feet may have up to five (5) signs on one of its occupancy frontages.
  - c. Any building with a building footprint greater than one hundred thousand (100,000) square feet which has interior tenant spaces with no occupancy frontages may have up to five (5) additional signs in addition to those set forth in Subsections a and b above.
  - d. Parcels located entirely within the Capitol Expressway Auto Mall Signage Area may have an unlimited number of attached signs; provided, however, that the attached signs shall otherwise meet all of the other size, height

and setback requirements of this Section, including, without limitation, that the aggregate sign area of all attached signs shall not exceed the size limitations set forth in this Section.

2. One (1) sign shall be permitted for each second-story occupancy frontage with direct exterior access to the ground from the second story.

B. Size.

1. The aggregate sign area of all attached signs on a ground-level occupancy frontage shall not exceed one (1) square foot for each linear foot of such occupancy frontage, except for an individual retail tenant with a minimum of twenty thousand (20,000) square feet of contiguous, occupied retail space with at least ten thousand (10,000) square feet of ground-level occupancy frontage, the aggregate allowed sign area may be calculated based upon a combination of the area allowed for the ground-level occupancy frontage plus the second floor occupancy frontage, all to a maximum of three hundred (300) square feet per occupancy frontage.
2. Second- or third-story attached sign(s) shall be limited to one-half the first-floor sign area allowances, except for an individual retail tenant with a minimum of twenty thousand (20,000) square feet of contiguous, occupied retail space with at least ten thousand (10,000) square feet of ground-level occupancy frontage, the second or third story attached sign(s) shall be limited to one (1) square foot for each linear foot of occupancy frontage on the second floor.
3. The sum of the sign area of the attached signs on any building frontage shall not exceed one square foot for each linear foot of building frontage

C. Height.

1. Subject to the provisions of Section C.2 hereinbelow, no attached sign shall be displayed higher than the finished floor elevation of the fourth floor of a building.
2. For buildings less than eighty-five feet (85') in height, no attached sign shall be displayed higher than the finished floor elevation of the third floor of a building when that building has a skyline sign pursuant to other provisions of this Part.
3. In Neighborhood Business Districts for buildings constructed prior to May 1, 1992, upward extensions of building facades that are sloped from the vertical plane at an angle no greater than sixty (60) degrees shall be treated as

extensions of the wall of the building and not as roofs for purposes of signage regulation. A sign placed on such an upward extension may not extend in height to within six inches (6") of the highest point of the upward extension. Only permanent signs may be placed on such upward extensions.

D. Setbacks.

1. Signs facing an abutting residential parcel shall be at least thirty (30) feet from the property line of such residential parcel.
2. Signs facing an abutting nonresidential parcel shall be at least ten (10) feet from the property line of such nonresidential parcel, unless the abutting nonresidential parcel contains a parking lot or driveway at its nearest point to the sign, in which case, no setback is required.

E. Other Provisions.

1. Additional Allowed Signage. The following additional signs shall be allowed and shall not reduce otherwise allowed signage.

a. Fin Signs.

(1) Fin signs shall be allowed that:

- (a) Do not exceed ten (10) square feet in area per side;
- (b) Project no more than three (3) feet from the wall to which it is attached;
- (c) Are located at least seven feet but not more than twelve feet above grade; and
- (d) Are not illuminated or are illuminated by external or neon tube lighting.

(2) Each ground-level occupancy frontage may have one such fin sign if such sign is located near its primary entryway.

(3) Exception.

- (a) In Neighborhood Business Districts, fin signs may project more than three (3) feet from the wall to which attached.

b. Awning Signs.

- (1) A maximum of two (2) awning signs of no greater than ten (10) square feet in area may be placed upon each discrete surface of an awning.
- (2) Awning signs shall be located at least seven feet but not more than twelve feet above grade.
- (3) Awning signs shall not be illuminated.
- (4) Awning signs shall maintain a minimum three (3)-inch clearance from the edge of the discrete surface of the awning on which the sign is placed.

c. Window Signs.

- (1) Window signs consistent with Section 23.02.1060 of this Title are allowed.
- (2) Window signs shall not be allowed above the first floor, except as follows:
  - (a) Window signs may be displayed by second-story occupancy frontages with no separate ground-level frontage.
  - (b) In Neighborhood Business Districts, window signs may be displayed on first- and second-story occupancy frontages.

d. Arcade Signs.

- (1) Arcade signs shall be allowed that:
  - (a) Do not exceed ten (10) square feet in area per side; and
  - (b) Are located at least seven (7) feet above grade.
- (2) Each ground-level occupancy frontage may display one (1) such sign.

2. Marquees.

- a. The maximum sign area of marquees and the maximum amount of other signage on an occupancy frontage with a marquee shall be subject to

design approval and shall not be subject to other size and quantity restrictions in this Part.

- b. Exception. Marquees shall not be allowed in the CO Commercial District or in the IP, LI, and HI Industrial Districts.
3. Lightbox Signs for Gasoline Service Stations.
    - a. The signage allowed for lightbox signs for gasoline service stations shall be limited to twenty (20) percent of the surface area of the lightbox up to a maximum of eight square feet.
    - b. A maximum of two (2) canopy signs are allowed per lightbox, provided that each canopy sign shall not exceed a maximum size of two (2) feet high by two (2) feet wide, and each canopy sign shall maintain at least a three (3)-inch clearance from the edge of the canopy to the surface to which it is attached. No two (2) canopy signs shall be placed on the same side of a canopy.
  4. Skyline Signs; Roof Signs.
    - a. General Provisions and Applicability.
      - (1) Buildings may have skyline signs on buildings less than eighty-five (85) feet in height, and skyline or roof signs on buildings eighty-five (85) feet or greater in height.
      - (2) Non-garage uses on the top floor of parking garages may have skyline signs.
      - (3) Skyline or roof signs located on buildings within one thousand (1,000) feet of a public park, river or creek shall not directly face that public park, river or creek unless no part of the skyline or roof sign and its supporting hardware would be visible from that public park, river or creek.
      - (4) Each skyline sign or roof sign shall be designed as an integral part of the building design and placed on a permanent architectural element which has been designed to accommodate it.
      - (5) Skyline signs and roof signs may be illuminated with external lighting; halolighting; and internal lighting if only the letters or symbols are illuminated. Such signs shall be illuminated only with continuous

lighting except that gradual color changes shall be allowed if there is no perception of flashing lights created.

- (6) Skyline signs and roof signs on buildings eighty-five (85) feet or greater in height above grade shall not reduce otherwise allowable signage for the building.

b. Dimensions.

- (1) In the area bounded by State Highway 87, US 101 and Interstate 880:

- (a) The total amount of square footage of sign area for all skyline signs or roof signs on buildings eighty-five (85) feet or greater in height above grade shall not exceed five hundred (500) square feet per building and any one such skyline sign or roof sign shall not be larger than two hundred fifty (250) square feet.

- (b) The total amount of square footage of sign area for skyline signs for non-garage uses on the top floor of parking garages shall not exceed five hundred (500) square feet per building and any one such skyline sign shall not be larger than two hundred fifty (250) square feet.

- (2) In the area located in the Julian-Stockton Redevelopment Area that is not located in the Downtown Sign Zone:

- (a) The total amount of square footage of sign area for all skyline signs or roof signs on buildings eighty five (85) feet or greater in height above grade shall not exceed five hundred (500) square feet per building, and any one such skyline sign or roof sign shall not be larger than two hundred fifty (250) square feet; and

- (b) Skyline or roof signs located on buildings within one thousand (1,000) feet of a public park, river or creek shall not directly face that public park, river or creek unless the skyline or roof sign would not be visible from that public park, river or creek; and

- (3) In the area of the City north of US 101 and west of Interstate Highway 880:

- (a) The total amount of square footage of sign area for all skyline signs on buildings less than eighty-five (85) feet shall be limited in size to an area equal to one half (1/2) of the first floor sign area allowances, except that the total amount of square footage of sign

area for all skyline signs on buildings: (i) of less than eighty-five feet (85') in height above grade and (ii) with a building frontage on a public street of less than one hundred fifty (150) linear feet, shall not exceed one (1) square foot for each linear foot of occupancy frontage, notwithstanding the provisions of Section 23.040.020.B. and 23.04.020.E.4.a.(6).

- (b) The total amount of square footage of sign area for all skyline signs or roof signs on buildings eighty-five (85) feet or greater in height above grade shall not exceed five hundred (500) square feet per building and any one such skyline sign or roof sign shall not be larger than two hundred fifty (250) square feet.
- (c) The total amount of square footage of sign area for skyline signs for non-garage uses on the top floor of parking garages shall not exceed five hundred (500) square feet per building and any one such skyline sign shall not be larger than two hundred fifty (250) square feet.

(4) In the area located in the Edenvale Industrial Redevelopment Area:

- (a) The total amount of square footage of sign area for all skyline signs on buildings less than eighty-five (85) feet shall be limited in size to an area equal to one half (1/2) of the first floor sign area allowances.
  - (b) The total amount of square footage of sign area for all skyline signs or roof signs on buildings eighty-five (85) feet or greater in height above grade shall not exceed five hundred (500) square feet per building and any one such skyline sign or roof sign shall not be larger than two hundred fifty (250) square feet.
  - (c) The total amount of square footage of sign area for skyline signs for non-garage uses on the top floor of parking garages shall not exceed five hundred (500) square feet per building and any one such skyline sign shall not be larger than two hundred fifty (250) square feet.
- c. Quantity: A total of either two (2) skyline signs or two (2) roof signs are allowed per building; provided, however, that in the Edenvale Industrial Redevelopment Area a combination of skyline and roof signs are allowed not to exceed two (2) signs in the aggregate per building.

- d. There shall not be both a skyline sign and a roof sign on the same building or on connected buildings, subject to the provisions of Subsection 23.04.020.E.4.c above.

**SECTION 4.** Section 23.04.030 of Chapter 23.04 of Title 23 of the San José Municipal Code is hereby amended to read in its entirety as follows:

**23.04.030 Free-standing Signs.**

**A. Quantity.**

1. One (1) free-standing sign shall be allowed on a parcel for each street frontage of the parcel which measures one hundred (100) linear feet or more in length, except that:
  - a. Parcels entirely located within the Capitol Expressway Auto Mall Signage Area may have one (1) free-standing sign per parcel, plus one (1) additional free-standing sign for each automobile manufacturer sold on that parcel up to a maximum of two (2) such additional free-standing signs, such that the total number of free-standing signs allowed on the parcel shall not exceed three (3) free-standing signs.
  - b. Parcels with more than five hundred (500) linear feet of street frontage along one single public right-of-way and zoned CG General Commercial District, IP Industrial Park District, LI Light Industrial District, HI Heavy Industrial District, or Planned Development (PD) Overlay District (allowing for uses similar to the CG General Commercial District, IP Industrial Park District, LI Light Industrial District, or HI Heavy Industrial District) may have one (1) additional free-standing sign for each four hundred (400) linear feet of street frontage along that particular public right away that is beyond the initial five hundred (500) linear feet of street frontage on that particular public right-of-way, subject to those size limitations set forth in Section 23.04.030 (B).
2. For corner parcels, no more than one free-standing sign shall be located within one hundred feet of the corner intersection.

**B. Size.**

1. The aggregate sign area of all free-standing signs on a parcel shall not exceed a total area equal to one square foot per each five linear feet of street frontage of the parcel, and the aggregate sign area of all free-standing signs

along one single public right-of-way shall not exceed a total area equal to one square foot per each five linear feet of street frontage along that one public right of way.

2. No free-standing sign shall have an area in excess of one hundred twenty (120) square feet.
3. A free-standing sign shall have a maximum sign area of forty (40) square feet when facing streets with residential uses or zoning districts across the street.
4. Exceptions.
  - a. For parcels located entirely within the Capitol Expressway Auto Mall Signage Area, one allowed (1) free-standing sign on a parcel shall not exceed a maximum sign area of one hundred twenty (120) square feet and any remaining allowed free-standing sign on a parcel shall not exceed a maximum sign area of fifty (50) square feet.

C. Height.

1. The maximum height of a free-standing sign shall be the square footage of the sign area divided by four. However, in no event shall the height of any sign exceed twenty (20) feet.
2. Exception:
  - a. For parcels located entirely within the Capitol Expressway Auto Mall Signage Area, the maximum height of one (1) free-standing sign on a parcel shall not exceed twenty-five (25) feet and the maximum height of any other allowed free-standing sign on the parcel shall not exceed nine (9) feet.

D. Setbacks.

1. The required front setback of a free-standing sign on a parcel shall be a minimum of four (4) feet for any sign that is six (6) feet or less in height, six (6) feet for any sign greater than six (6) feet in height but less than ten (10) feet in height, and ten (10) feet for any sign that is ten (10) feet or greater in height.
2. Exception:
  - a. For parcels located entirely within the Capitol Expressway Auto Mall Signage Area, the required front setback of any free-standing sign on the

parcel shall be a minimum of four (4) feet.

3. Each free-standing sign shall be located at least twenty-five (25) feet from the side and rear property lines of the parcel.

E. Other Provisions.

1. Sign Base. All freestanding signs shall be placed on a base of at least eighteen (18) inches in height that is architecturally consistent with the main building of the parcel and the freestanding sign it supports. The base shall be constructed of durable materials to reduce the likelihood of unsightly signs and blighted conditions.
2. Landscaping. All free-standing signs shall be located fully within a landscaped area extending from the supporting structure of the sign to a point on all sides that is at least four feet from vertical lines drawn from the outer edges of the sign. For purposes of this provision, "landscaped area" shall mean an area containing live plant material including, but not limited to, ground cover, shrubs, grass and trees.
3. Time and Temperature Signs.
  - a. Any otherwise allowed free-standing sign may include a time and temperature sign not exceeding fifteen square feet in sign area.
  - b. A time and temperature sign not exceeding fifteen square feet in sign area, excluding any frame, may be located on the primary building on a parcel.
  - c. Any time and temperature sign meeting the requirements of Subsection a or b above shall not reduce otherwise allowable signage.

F. Multiple Parcels Subject to a Single Development Permit.

Where more than one parcel is subject to a single development permit issued pursuant to Chapter 20.100, the term "parcel" as used in this section shall mean the entire site covered by the single development permit.

**SECTION 5.** Section 23.04.120 of Chapter 23.04 of Title 23 of the San Jose Municipal Code is hereby amended to read in its entirety as follows:

**23.04.120 Types of Signs**

A. Any Combination of Signs.

1. Signage allowed by Section 23.04.110 may consist of any combination of allowed free-standing signs, flat-mounted signs, projecting signs, awning signs, banners, inflatable or balloon signs, skyline signs and roof signs. Segmented signs are allowed.
2. Each occupancy frontage may also display window signs, temporary signs, safety or directional signs, and any other signs expressly authorized by this Code.

B. Free-Standing Signs.

1. Except as provided in this Subsection, free-standing signs shall not exceed eight feet in height above grade.
2. Free-standing signs that are less than six feet wide may be up to twenty-five (25) feet in height above grade.
3. The height of construction signs shall be as set forth in Section 23.04.610B.6.
4. Free-standing roof signs in accordance with Subsection G below and free-standing programmable display signs in accordance with Subsection J below shall not be subject to the foregoing height restrictions.

C. Flat-Mounted Signs.

1. Flat-mounted signs (except for permitted skyline signs, flat roof-top signs and banner signs) shall be displayed no higher than thirty (30) feet above grade, except as otherwise specifically allowed in this Section.
2. Flat-mounted signs (except for permitted skyline signs, flat roof-top signs and banner signs) shall be displayed no higher than eighty (80) feet above grade when the building meets all of the following criteria:
  - a. The building is eighty (80) feet or greater in height above grade; and
  - b. The building has a building footprint of one hundred fifty thousand (150,000) square feet or greater.
3. Flat-mounted signs shall not project more than two (2) inches from the face of the building, except for:
  - a. Flat-mounted signs consisting of individual letters or letters attached to raceways; or

- b. Flat roof-top signs that may project no more than sixty (60) inches from the face of the roof.

D. Projecting Vertical Signs and Fin Signs.

1. Projecting vertical signs:

- a. Shall be located at least twenty (20) feet but no higher than sixty (60) feet above grade; and
- b. Shall project no more than five (5) feet six (6) inches; and
- c. Shall not project above the cornice or parapet of a building.

2. Fin signs:

- a. Shall be located no higher than thirty (30) feet above grade or the height of the finished floor elevation of the third floor of the building, whichever is less; and
- b. Shall project no more than one-half (1/2) the width of the sidewalk over which the sign projects or seven feet six inches, whichever is less.

E. Awning Signs; Porte-Cochere Signs.

- 1. Awning signs shall be located no higher than thirty (30) feet above grade.
- 2. Signage on awnings shall be limited to twenty-five (25) percent of the exterior surface area of the awning.
- 3. Signage on porte-cocheres shall be allowed only on vertical surfaces of the porte-cochere and shall be limited to twenty-five (25) percent of the exterior surface area of the vertical surfaces of the porte-cochere.

F. Banner Signs.

- 1. Free-standing banners shall comply with the provisions of Section 23.04.120.B above.
- 2. Projecting banners shall comply with the provisions of Section 23.04.120.D above.
- 3. Flat-mounted banners:

- a. Shall not exceed twenty (20) feet in width; and
  - b. Shall be located no higher than fifty (50) feet above grade, provided that banners located higher than thirty (30) feet above grade shall be mounted within building recesses or portals.
4. Notwithstanding any provision of this Chapter to the contrary, buildings with a footprint of seventy-five thousand (75,000) square feet or greater may erect banners only in compliance with all of the following criteria:
- a. A total maximum of five banners shall be allowed at any time;
  - b. One banner may be up to a maximum of one thousand two hundred (1,200) square feet in total area and any and all remaining banners may be up to a maximum of six hundred (600) square feet in total area; and
  - c. All banners shall be placed no higher than eighty (80) feet above finished grade; and
  - d. All banners shall contain and display noncommercial messages only.

G. Skyline Signs; Roof Signs.

1. Applicability

- a. Buildings one hundred forty (140) feet or greater in height above grade may have either skyline signs or roof signs; and
- b. Buildings greater than eighty (80) feet and less than one hundred forty (140) feet in height above grade may have skyline signs; and
- c. Non-garage uses on the top floor of parking garages may have skyline signs.

2. Dimensions

- a. The total amount of square footage of sign area for all skyline signs or roof signs on buildings two hundred twenty-five (225) feet or greater in height above grade shall not exceed two thousand (2,000) square feet per building. Any one such skyline sign or roof sign shall not be larger than one thousand (1,000) square feet.

- b. The total amount of square footage of sign area for all skyline signs or roof signs on buildings one hundred ninety (190) feet or greater in height above grade and less than two hundred twenty-five (225) feet in height above grade shall not exceed one thousand four hundred (1,400) square feet per building. Any one such skyline sign or roof sign shall not be larger than seven hundred (700) square feet.
  - c. The total amount of square footage of sign area for all skyline signs or roof signs on buildings one hundred forty (140) feet or greater in height above grade and less than one hundred ninety (190) feet in height above grade shall not exceed one thousand one hundred (1,100) square feet per building. Any one such skyline sign or roof sign shall not be larger than five hundred fifty (550) square feet.
  - d. The total amount of square footage of sign area for all skyline signs on buildings greater than eighty (80) feet and less than one hundred forty (140) feet in height above grade shall not exceed five hundred (500) square feet per building. Any one such skyline sign shall not be larger than two hundred fifty (250) square feet.
  - e. The total amount of square footage of sign area for skyline signs for non-garage uses on the top floor of parking garages shall not exceed seven hundred fifty (750) square feet per building. Any one such skyline sign shall not be larger than five hundred (500) square feet.
3. Each skyline sign or roof sign shall be designed as an integral part of the building design and placed on a permanent architectural element which has been designed to accommodate it.
  4. There shall not be both a skyline sign and a roof sign on the same building or on connected buildings.
  5. Skyline signs and roof signs may be illuminated with external lighting; halolighting; and internal lighting if only the letters or symbols are illuminated. Such signs shall be illuminated only with continuous lighting except that gradual color changes shall be allowed if there is no perception of flashing lights created.
  6. Skyline signs and roof signs on buildings greater than eighty (80) feet in height above grade shall not reduce otherwise allowable signage for the building.
  7. A total of two skyline or roof signs are allowed per building.

H. Window Signs. Window signs consistent with Section 23.02.1060 of this Title shall be allowed on first- and second-story windows.

I. Marquees.

1. Marquees are allowed for theatres and movie houses and on buildings containing marquees that historically were theatres or movie houses.
2. A marquee, including any vertical projection, is a single sign and an architectural element. The vertical projection of a marquee may project above the cornice line of a building.
3. Marquees may be animated signs or have animated sections.
4. Marquee signage shall not be subject to the size and placement limitations elsewhere in this Part, but instead shall be subject to the provisions of Section 23.04.110B.2.

J. Programmable Display Signs.

For a single building with a footprint of at least one hundred twenty-five thousand (125,000) square feet, a maximum of two (2), attached programmable display signs are allowed, subject to the approval of the Director, whose approval shall be issued when the sign or signs meet all of the following criteria:

1. The sign(s) shall be located no higher than twelve (12) feet from grade unless the Director finds that a greater height achieves a pedestrian-level orientation; and
2. The sign(s) shall not reduce or obscure glazing; and
3. Each sign does not exceed a maximum size of eighteen (18) square feet in sign area; and
4. No sign is displayed on the exterior of that portion of a building containing residential uses.

K. Programmable Display Kiosk Signs.

Programmable Display Kiosk Signs are allowed subject to the following criteria and conditions:

1. The total sign area on kiosks shall not exceed eighteen (18) square feet per kiosk face in the aggregate, and no Programmable Display Kiosk Sign shall be located higher than eight (8) feet in height above grade.
2. Programmable Display Kiosk Signs may be animated and/or may be illuminated with continuous external or internal lighting.
3. Programmable Display Kiosk Signs shall not be displayed on kiosks located within two hundred (200) feet of another kiosk displaying a Programmable Display Kiosk Sign.
4. A minimum width of unobstructed sidewalk clearance of four (4) feet shall be maintained around a kiosk for pedestrian traffic.

L. Time and Temperature Signs.

1. Any sign otherwise permitted in this Part may include a time and temperature sign, provided that a time and temperature sign may not be established within three hundred (300) feet of another time and temperature sign.
2. Each time and temperature sign shall be limited to fifteen (15) square feet in sign area, excluding any frame.
3. Time and temperature signs may not be located higher than thirty (30) feet above grade.

M. Lightbox Signs for Gasoline Service Stations. Lightbox signs at gasoline service stations shall not exceed twenty (20) percent of the surface area of the lightbox up to a maximum of eight square feet.

N. Architectural Signs.

1. The total amount of Architectural Signs allowed on any one building shall not exceed a total maximum area of two hundred (200) square feet per building, in the aggregate.
2. Each Architectural Sign shall be limited in area to a maximum of thirty-two (32) square feet, except that one Architectural Sign of up to one hundred (100) square feet in area may be located on one building frontage, all subject to the total maximum area allowed under Subsection 23.04.120.N.1 above.
3. Architectural Signs may be allowed on the exterior of that portion of a building containing residential uses.

O. Public Parking Garage Signs.

1. Notwithstanding any other provisions of this Code, one (1) additional sign shall be allowed on any building containing a garage that provides public parking, under the following circumstances:
  - a. The building contains five hundred (500) or more public parking spaces.
  - b. Any part of the building is within one thousand (1,000) feet of an expressway or freeway.
2. Such sign:
  - a. Shall be flat-mounted.
  - b. Shall be a maximum of one hundred (100) square feet in sign area.
  - c. Shall be located at least thirty (30) feet but no higher than seventy (70) feet above grade and shall not project above the cornice or parapet of the building.
  - d. Shall be displayed so as to be visible from the expressway or freeway.
  - e. May be illuminated only with external lighting or internal lighting and only to the extent illumination does not create any traffic safety hazard.
3. The message on such sign shall be limited to "Public Parking" and/or any authorized City public parking symbol(s).
4. Such sign shall not reduce otherwise allowable signage for the building.

P. Freeway or Highway Off-Ramp Signs.

1. Subject to the provisions of Section 23.02.1180, a building greater than eighty (80) feet in height above grade located on a parcel of real property that is directly adjacent to a freeway off-ramp or highway off-ramp may have only the following skyline or roof signs:
  - a. A maximum of two skyline or roof signs that conform to all of the applicable requirements set forth in Section 23.04.120.G; or
  - b. A maximum of one skyline or roof sign that conforms to all of the applicable requirements set forth in Section 23.04.120.G and one flat-mounted sign that meets all of the following criteria:

- (1) The size of the sign shall not exceed a maximum of one hundred (100) square feet in sign area;
- (2) The sign shall be mounted to the building with an orientation that is perpendicular to, and is not directly facing, the centerline of the freeway or highway off-ramp; and
- (3) The sign shall not be visible from the main freeway or highway to which the off ramp is attached.

Q. Flat Roof-Top Signs.

1. Buildings with a footprint of one hundred fifty thousand (150,000) square feet or greater may install a maximum of two flat roof-top signs that meet all of the following criteria:
  - a. Each flat roof-top shall not exceed a maximum of sixteen thousand (16,000) square feet in sign area, and the total sign area of two flat roof-top signs shall not exceed a maximum of thirty-two thousand (32,000) square feet; and
  - b. A flat roof-top sign may be externally or internally illuminated with continuous lighting between the hours of 7:00 a.m. and 12:00 a.m., but shall not be illuminated by any means after 12:00 a.m. and before 7:00 a.m.; and
  - c. Any illumination of a flat roof-top sign shall fully conform with the City's lighting policies, unless an exception is granted therefor or applicable thereto; and
  - d. Any illumination of a flat roof-top sign shall not produce light that is visible with the naked eye from public areas located within one hundred (100) feet of the building on which the sign is installed.

R. Inflatable or Balloon Signs.

1. Inflatable or balloon signs may be allowed on sites and in a manner meeting all of the following criteria:
  - a. The size of the parcel on which the inflatable or balloon sign would be located shall be a minimum of seven (7) acres; and

- b. A maximum of one (1) inflatable or balloon sign may be installed on a building on each such parcel; and
  - c. The sign must be safely and securely mounted to the roof of a building with a minimum floor area of fifty thousand (50,000) square feet and a maximum height of fifty (50) feet.
2. The inflatable or balloon sign allowed under this Section must meet the additional following criteria:
- a. The inflatable or balloon sign shall be no greater than three thousand six hundred (3,600) cubic feet in size; and
  - b. The inflatable or balloon sign shall extend no higher than the lesser of the follow heights:
    - (1) Thirty (30) feet above the building parapet or building roof surface if there is no parapet; or
    - (2) The height set forth in a no hazard determination by the Federal Aviation Administration; and
  - c. The inflatable or balloon sign shall extend no more than ten (10) feet below the building parapet or building roof surface if there is no parapet.

**SECTION 6.** Section 23.04.610 of Chapter 23.04 of Title 23 of the San Jose Municipal Code is hereby amended to read in its entirety as follows:

**23.04.610 Temporary Sign Standards.**

- A. Unless expressly provided otherwise elsewhere, no more than two temporary signs may be on display at any one time for each occupancy frontage.
- B. Permissible temporary signs include:
  - 1. One temporary sign not larger than twenty (20) square feet in sign area may be displayed in those locations allowed under Sections 23.04.610.D, E, F and G for up to thirty (30) consecutive days for each occupancy frontage. No more than three (3) such signs shall be displayed in any calendar year. Each such sign shall include the date(s) such sign is intended to be posted, and whether that sign is the first, second or third such temporary sign displayed in

that calendar year for that occupancy frontage. Such sign may be displayed only during that period of time stated on such sign.

2. Any building with a building footprint of five thousand (5,000) square feet or more may display one temporary sign larger than twenty (20) square feet in sign area. Such signs may be displayed in those locations allowed under Sections 23.04.610 D, E, F and G for up to thirty (30) consecutive days in any calendar year, as follows:
  - a. Such sign shall not be larger than sixty-five (65) square feet.
  - b. Such sign may consist of noncontiguous segments placed on more than one frontage of the building but the aggregate sign area of all segments may not exceed sixty-five (65) square feet.
  - c. Each such sign, including all noncontiguous segments, shall include the date(s) such sign is intended to be posted, and shall identify the total number of sign segments displayed for that building. Such sign, including all sign segments, may be displayed only during that period of time stated on such sign.
  
3. Any building with a building footprint of twenty thousand (20,000) square feet or more may display one temporary sign larger than twenty (20) square feet in sign area. Such sign may be displayed in those locations allowed under Section 23.04.610 D, E, F and G for up to thirty (30) consecutive days in any calendar year, as follows:
  - a. Such sign shall contain only noncommercial messages.
  - b. Such sign may consist of noncontiguous segments placed on more than one frontage of the building.
  - c. No sign or sign segment on any frontage shall be larger than one hundred twenty-five (125) square feet in sign area.
  - d. Such sign may be an animated sign.
  - e. Each such sign, including all noncontiguous segments, shall include the date(s) such sign is intended to be posted, and shall identify the total number of sign segments displayed for that building. Such sign, including all sign segments, may be displayed only during that period of time stated on such sign.

4. One temporary sign related to the lease or sale of the real property on which the sign is placed and not larger than forty (40) square feet in sign area may be displayed. Such sign shall be removed within ten days after the property is no longer for lease or sale.
5. One or more construction signs related to construction on the property on which the sign is placed may be displayed as follows:
  - a. Construction signs may be displayed one hundred eighty (180) days prior to the commencement of construction, during construction and for a period no longer than thirty (30) days after completion of construction; and
  - b. Construction signs attached to fences that enclose the construction site and no higher than ten feet above finished grade may be of any size; and
  - c. In the Downtown Sign Zone, construction signs, whether or not the signs are attached to fences that enclose the construction site, shall not exceed three hundred (300) square feet each in sign area, may be up to twenty-four (24) feet in height and shall be limited to one such sign per street frontage, except that two allowed signs may be joined together at the corner of a corner parcel to form one larger sign which shall not exceed six hundred (600) square feet in sign area; and
  - d. In CO, CP, CN, CG, IP, LI, and HI Zoning Districts and Neighborhood Business Districts, construction signs not attached to fences that enclose the construction site shall not exceed one hundred twenty-eight (128) square feet each in sign area and shall be limited to one such sign per street frontage; and
  - e. In CO, CP, CN, CG, IP, LI, and HI Zoning Districts and Neighborhood Business Districts, construction signs attached to fences that enclose the construction site that are located higher than ten (10) feet above finished grade shall meet all of the following criteria:
    - (1) Shall not exceed a size equal to one-hundred (100) square feet of sign area; and
    - (2) Shall be limited in number to one such sign per street frontage for every two hundred (200) linear feet of perimeter construction fence along a street frontage; and
    - (3) Shall be located no higher than twenty-five (25) feet above finished grade; and

- f. Construction signs shall not be illuminated.
- C. In addition to the signs described in Subsections A and B above, unimproved parcels may display the following temporary signs:
- 1. One temporary sign related to the lease or sale of any real property, as follows:
    - a. Such sign shall not exceed forty (40) square feet in sign area.
    - b. Such sign shall be removed within ten days after the property to which it refers is no longer for sale or lease.
  - 2. For each three hundred (300) feet of street frontage, one additional temporary sign related to the lease or sale of any real property, subject to the same requirements as set forth in Subsection C.1 above.
  - 3. By permit in accordance with all requirements of Part 4 of Chapter 23.02 of this Title, one temporary sign larger than forty (40) square feet and related to the sale or lease of any real property may be approved as follows:
    - a. Such sign shall be permitted for the shorter period of three years or ten days after the property to which it refers is no longer for lease or sale.
    - b. Maximum size shall conform to the size allowable in the zoning district for a permanent sign on a parcel of that size.
  - 4. The provisions of this Subsection C shall not apply in the Downtown Sign Zone.
- D. Temporary signs may be free-standing or attached and, except with regard to construction signs or unless otherwise stated, shall also conform to any requirements for permanent signs in the zoning district or sign zone where located.
- E. Unless expressly provided otherwise elsewhere, free-standing temporary signs may be up to ten feet in height. No greater setback than ten feet shall be required.
- F. Temporary signs may not be affixed to the outside surface of a window.

- G. Temporary signs posted at events within the Downtown Core for which City permits have been issued for both the exclusive use of a specified location in the public right-of-way and a permit for temporary outdoor use of private property that is contiguous or adjacent to the public right of way permit area shall not be subject to these regulations to the extent such temporary signs are posted during the event and within the approved boundaries of the event. This provision also applies to signage on temporary structures at such events, regardless of whether the temporary structure is in the public right-of-way or on private property.

**PASSED FOR PUBLICATION OF TITLE** this 24<sup>th</sup> day of April, 2007 by the following vote:

AYES: CAMPOS, CHIRCO, CONSTANT, CORTESE,  
LICCARDO, NGUYEN, OLIVERIO, PYLE, WILLIAMS;  
REED

NOES: NONE

ABSENT: NONE

DISQUALIFIED: NONE

VACANT: DISTRICT 4

---

CHUCK REED  
Mayor

ATTEST:

---

LEE PRICE, MMC  
City Clerk