



Smoke Shops:

Proposal for zoning ordinance amendment
addressing smoking and vapor product retailers

City Plan Department, City of New Haven
Board of Alders Legislation Committee Hearing
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Background

New Haven has seen a rise in the number of establishments whose business involves the sale to tobacco and vaping products, commonly referred to as smoke shops.

In March 2024, the Board of Alders Received an order requesting the formation of a working group to discuss amendments to the New Haven Zoning Ordinance to regulate Smoke Shops (LM-2024-0273).

In May 2024, the City Plan Commission received the order as a referral and provide a favorable recommendation on the item.

A working group was formed and met four times between August and October 2024.

A draft of the proposed regulations was created and subsequently submitted to the Board of Alders (OR-2024-0034).

Proposed Ordinance

- Defines Smoke Shops and Smoking Places as distinct uses under the NHZO.
- Sets conditions for where smoke shops or smoking places are allowed to locate and relocate, including a distance buffer from sensitive uses.
- Defines guidelines for the display of smoking merchandise/paraphernalia and storefront signage.
- Defines a licensing process for all retailers of tobacco and vaping products through the New Haven Health Department.



New Uses and Definitions

Smoke Shop: A smoke shop shall be defined as a retailer dedicated to the sale of smoking products and paraphernalia. Examples of such products include but are not limited to: Tobacco, cigarettes, cigars, smokeless tobacco (such as dip and chewing tobacco), rolling papers, smoking pipes, bongos, hookahs, e-cigarettes, and vaping devices

Smoking Place: A smoking place shall be defined as any establishment that offers the sale of smoking products for on-site consumption. Examples of such uses include hookah lounges and cigar lounges.

Retailers of Tobacco and Vapor Products: A Retailers of Tobacco or Vapor products shall be defined as any retailer whose business involves the sale of smoking products and paraphernalia. Such retailers include businesses that hold a Cigarette Dealers license or Dealer of Electronic Nicotine Delivery System or Vapor Product license.

Unallowable Zones for Retailers of Tobacco & Vape Products

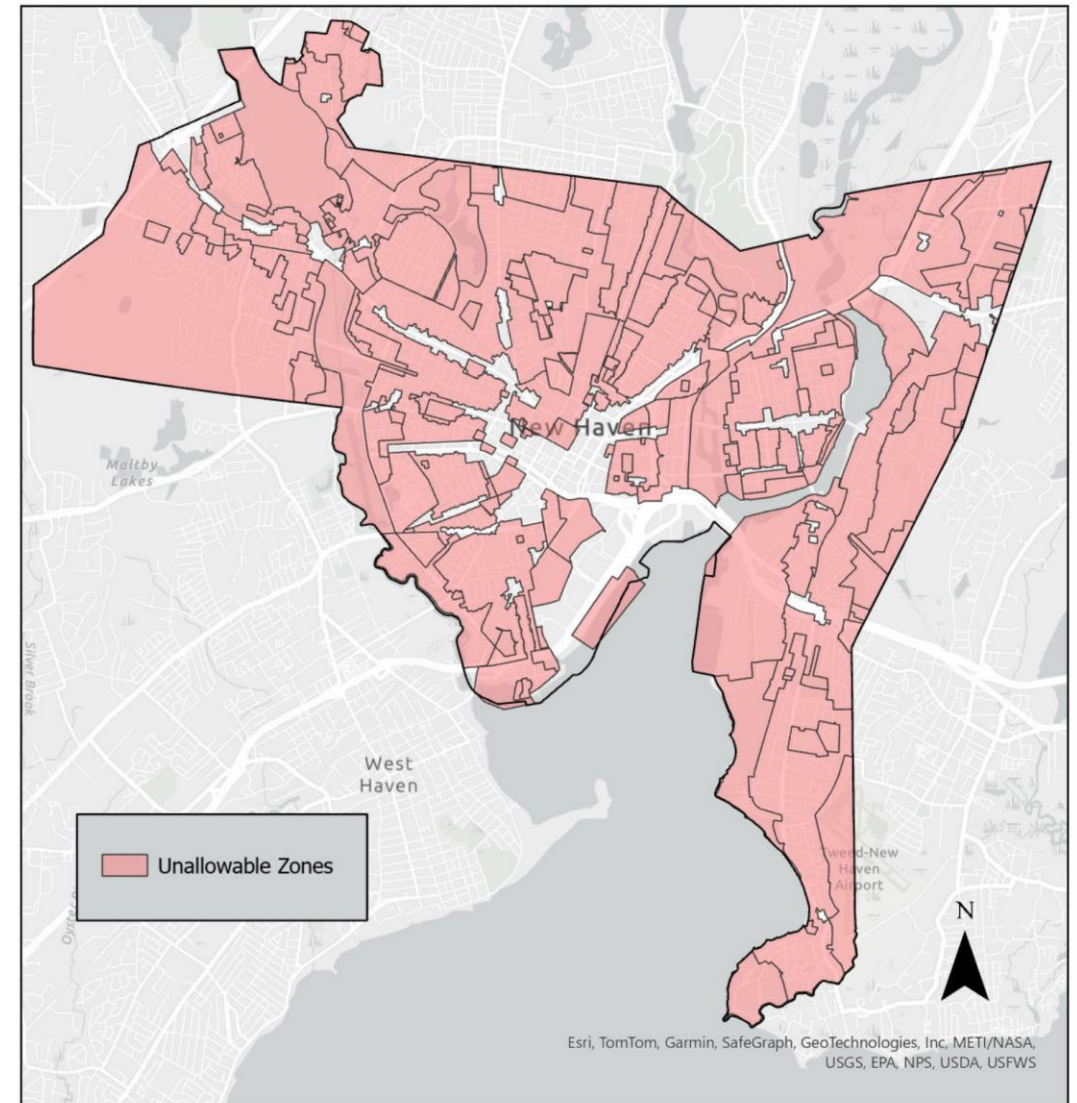
Zones and Distance Buffers

Smoke Shops or Smoking Places would be permitted in only the BA, BA-1, CGD, BA-2, BC, BD, BD-1, BD-2, BD-3 and MU/MULW zones.

Must be 1,000 feet away from Schools, Parks and Places of Worship.

Must be 3,000 feet away from another existing Smoke Shop or Smoking Place.

Both uses would require a Special Exception through the Zoning Board of Appeals.



Date: 12/26/2024
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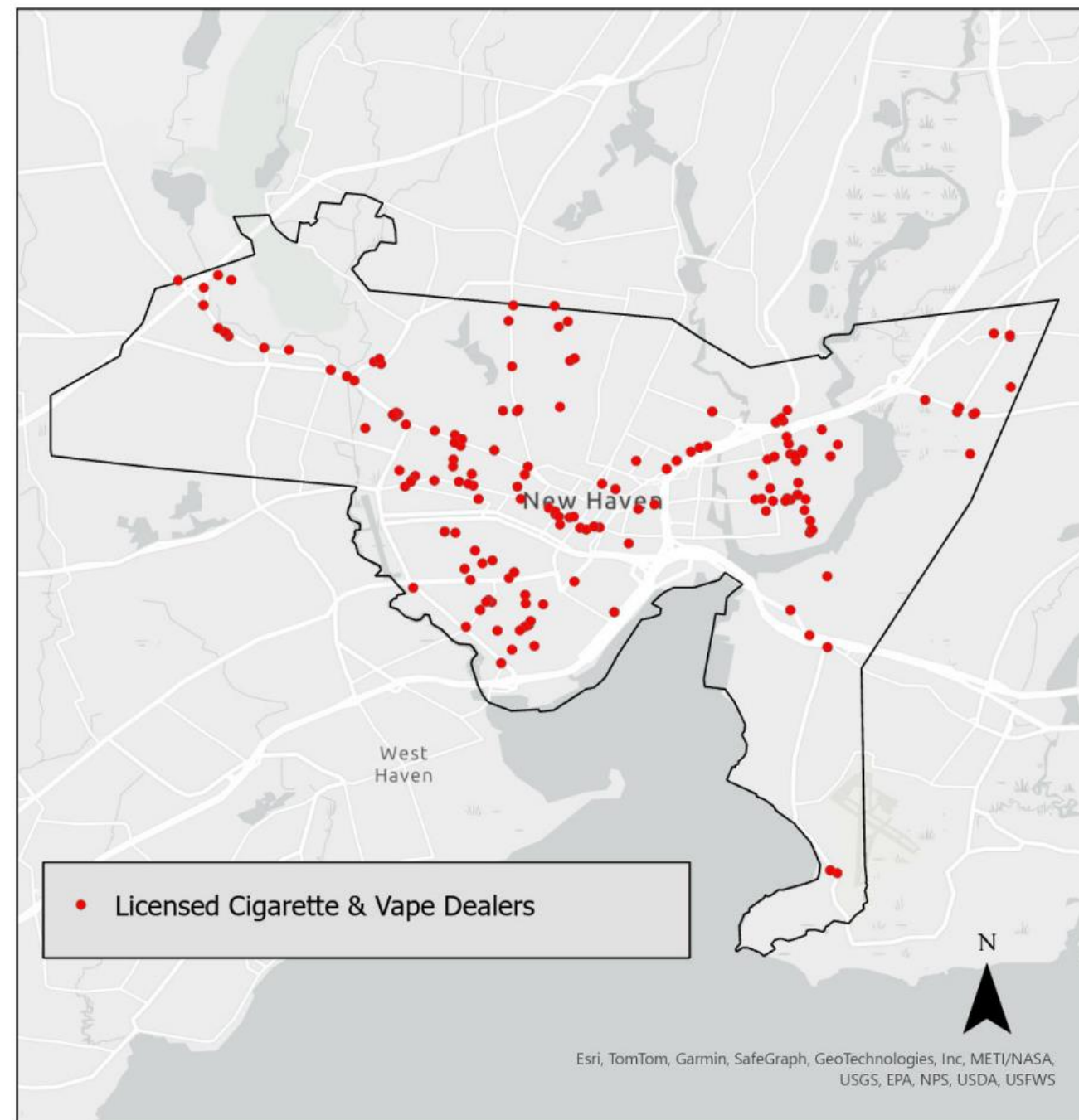
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Current Tobacco and/or Vapor Product Retailers

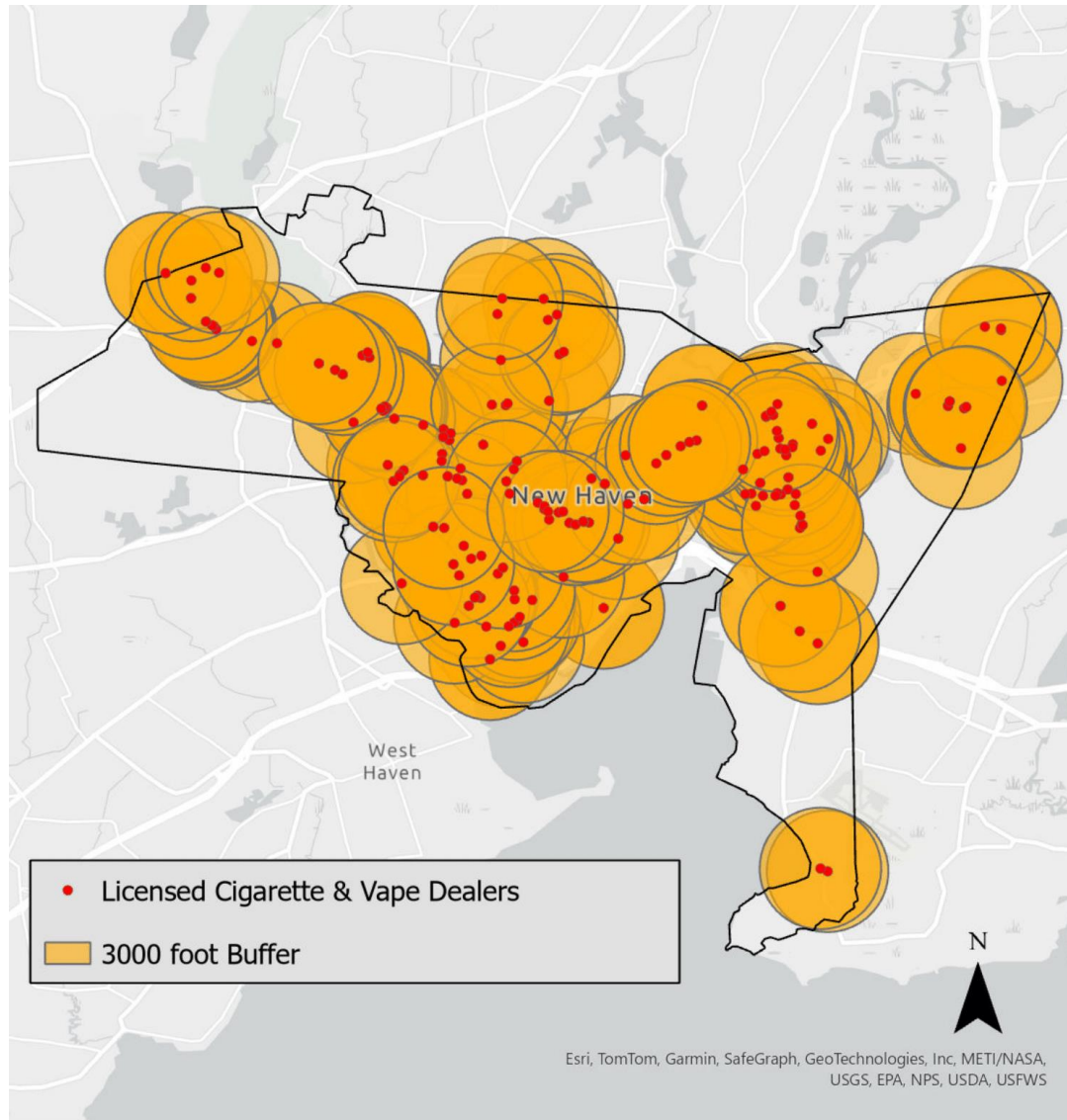
212 State of Connecticut Licenses have been issued to New Haven based Businesses:

- 145 Cigarette Dealer Licenses
- 67 Dealer Of Electronic Nicotine Delivery System Or Vapor Product Licenses

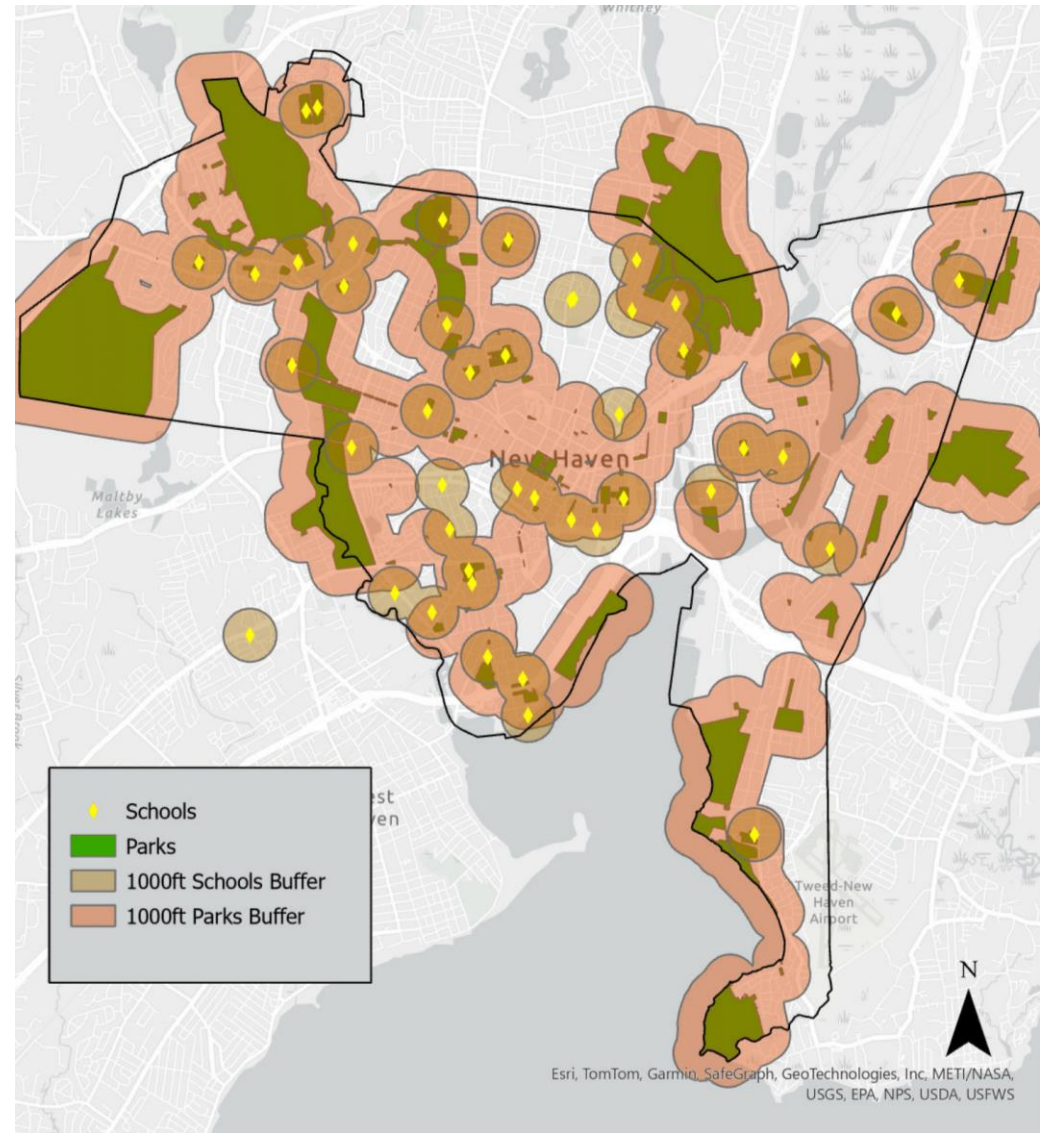
Licenses have been issued to 169 unique establishments in New Haven as of October 2024.



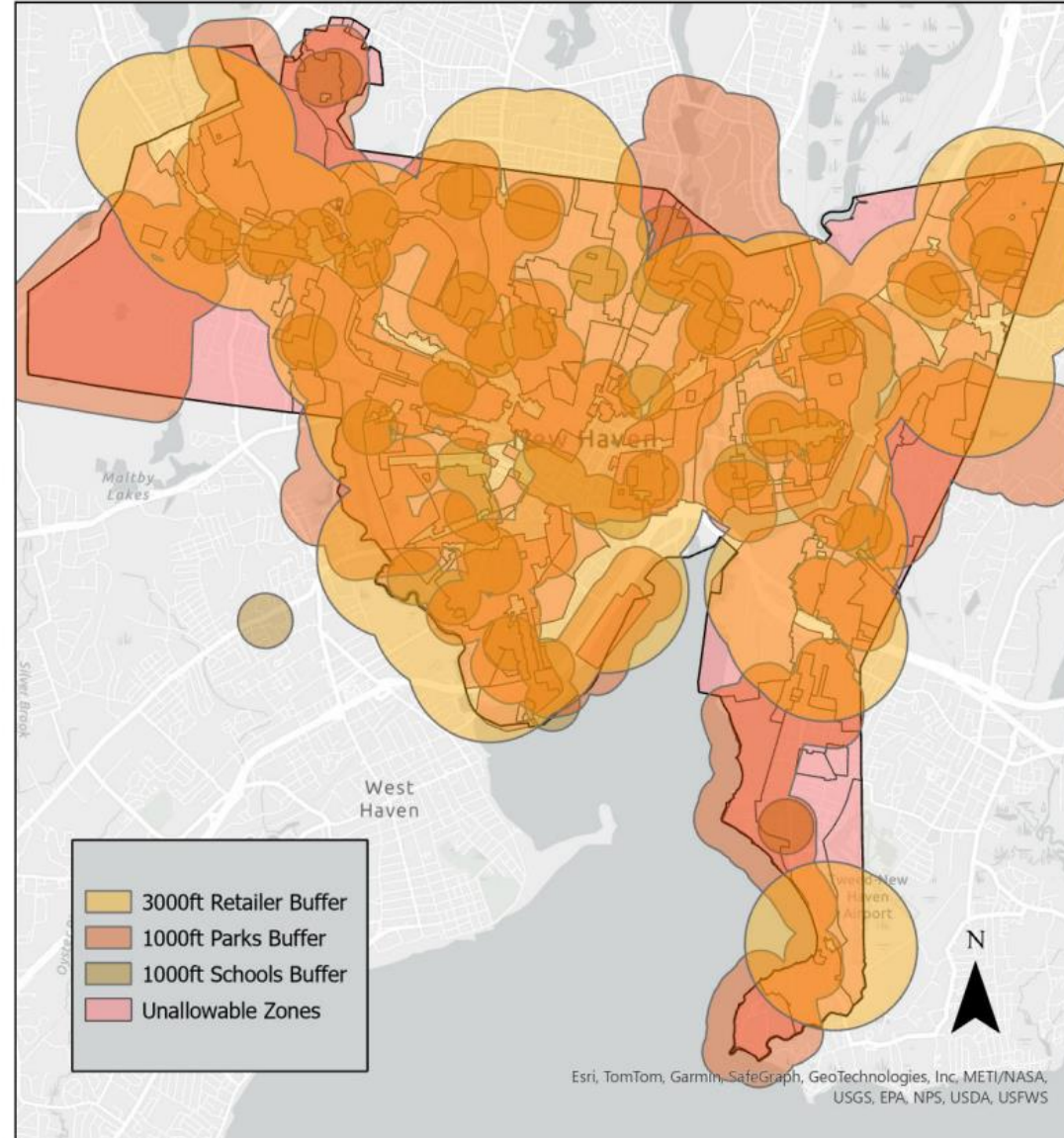
Buffer from licensed tobacco and vape dealers



Buffer from Schools and Public Parks



Buffer Requirement Considerations & Unallowable Zones for Tobacco & Vape Retailers



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0 0.25 0.5 1 Miles

Signage and Display of Merchandise

All smoke shops will be required to adhere to the following sign standards:

- **Signage:** Window Signs on the inside or outside of windows cannot be greater than 50 percent of the area of the window it occupies. No more than 20 percent of continuous windows may be covered with signs. De minimus signage displaying the hours of operation, and whether open or closed, does not count toward the computation.
- **Lighting:** Lights that flash, shimmer, glitter, or lights that give the appearance of flashing, shimmering or glittering are prohibited. Window signs may be Directly Illuminated.
- **Display of Merchandise:** Merchandise being sold within the establishment must be located in a way as to not be seen from the public right of way.

Health Licensing Program

The zoning ordinance describes a licensing program managed by the City of New Haven Health Department

That program will be introduced in a companion piece of legislation by the Health Department.

All tobacco and vapor product retailers would be required to obtain and maintain a yearly license to operate.

This is to ensure establishments remain in good standing for relevant health guidelines related to the sale of tobacco and vape products

The legislation will be based on a similar ordinance enacted by the City of Bridgeport.

Smoke shops, which typically sell tobacco products, vaping devices, and related paraphernalia, raise significant public health concerns.

The proliferation of these establishments can contribute to higher rates of smoking and nicotine dependence, particularly among youth, due to increased accessibility and targeted marketing strategies.

Furthermore, the health impacts extend beyond direct users; secondhand smoke exposure poses risks to non-smokers, increasing their chances of developing respiratory conditions and other health issues.

Regulations regarding the placement and operation of smoke shops, as well as public education campaigns about the dangers of tobacco and vaping, are essential to mitigate these issues.

Additional Staff Recommendations

Since the original submission of the Ordinance to the Board of Alders City Plan staff have made additional recommendations to strengthen and clarify certain elements of the proposal:

- **Hours of Operation:** Currently the ordinance allows Smoke Shop and Smoking Places to operate by right between 11:00 p.m. and 6:00 a.m. This may create adverse impacts on adjacent properties. Staff propose requiring all Retailers of Tobacco or Vapor Products, Smoke Shops, and Smoking Places to obtain a *Special Exception* to operate between those hours.
- **Clarify Signage Requirements:** Signage regulations in the proposed ordinance were derived from the current New Haven Zoning Ordinance. Standards in the proposed regulations (besides the storefront display requirements) were duplicative, in that they *already apply* to all existing smoke shops/ smoking places.

Existing Sign Regulations

Section 60.3(g)(e): “Window Signs on the inside or outside of windows are excluded from the computation, unless the area of the Window Sign is equal to or greater than 50 percent of the area of the window it occupies. De minimus signage displaying the hours of operation, and whether open or closed, does not count toward the computation. Window signs may be Directly-Illuminated Signs. No more than 20 percent of continuous windows may be covered with signs”

Section 60.3(c): “Illumination. A sign may be illuminated if illumination is confined to or directed toward the surface of the signs. There will be no flashing, shimmering or glittering lights located on or adjacent to such sign. Signs may be directly lit or indirectly lit. In no event will glare be visible on adjacent properties or public areas.”

Proposed Sign Guidelines

Section 42.7(d)(1): “Window Signs on the inside or outside of windows cannot be greater than 50 percent of the area of the window it occupies. No more than 20 percent of continuous windows may be covered with signs. De minimus signage displaying the hours of operation, and whether open or closed, does not count toward the computation.”

Section 42.7(d)(2): “Lights that flash, shimmer, glitter, or lights that give the appearance of flashing, shimmering or glittering are prohibited. Window signs may be Directly Illuminated”

How would this impact existing tobacco and vape retailers?

- Existing smoke shops and smoking places will become legally non-conforming uses if any of these standards are not met.
- All establishments will be required to obtain licenses through the Health Department once that separate licensing program is adopted.
- New signage and storefront requirements will take effect immediately, requiring all uses classified in this section to comply with the new guidelines.
- Enforcement actions will be taken against establishments that do not comply with the ordinance once enacted.