

**Proposed Amendment to Zoning Regulations  
City of Derby, Connecticut**

**Section 195-7. Definitions and Word Usage**

**SMOKE SHOP** – A retail establishment where twenty percent (20%) or more of the retail area is dedicated to the sale of tobacco and related products containing tobacco, nicotine, cannabis (THC/CBD), flavorings, including E-Cigarettes, and paraphernalia and/or contains areas for the consumption of smokeable products.

**TOBACCO** – Any product containing, made or derived from tobacco or nicotine that is intended for human consumption, whether smoked, chewed, absorbed, dissolved, inhaled, snorted, sniffed or ingested by any other means, including, but not limited to, cigarettes, cigars, chewing or pipe tobacco, snuff, electronic cigarettes, electronic cigars, electronic pipes, electronic nicotine delivery systems or any other product or device that relies on vaporization or aerosolization; tobacco product also includes any component, part or accessory used in the consumption of a tobacco product such as filters, rolling papers, pipes, e-cigarettes, e-cigars, epipes, vape pens, e-hookahs and liquids used in the electronic smoking devices, whether or not they contain nicotine. Tobacco product shall not include drugs, devices or combination products approved by the United States Food and Drug Administration as a tobacco cessation product that is marketed and sold exclusively for the approved purpose.

**TOBACCO STORES** - See Smoke Shop definition.

**VAPE SHOP** –A retail establishment where twenty percent (20%) or more of the retail area is dedicated to the sale of Vaporizers and their related products, including, but not limited to, nicotine, cannabis (THC/CBD), flavorings, and paraphernalia and/or contains areas for the consumption of Vaporizer products.

**VAPORIZER** – A device designed for the purpose of inhaling and exhaling vapor containing nicotine, cannabis (THC/CBD), and/or flavorings. Vaporizers include, but are not limited to, Ecigarettes, vapes, vape pens, dab pens, dab rigs, tanks, mods, pod-mods, hookah pens and electronic nicotine delivery systems (ENDS).

**Add Sections 195-15.D.(6), 195-16.D(6)**

Smoke Shops, Vape Shops, and Tobacco Stores will be added as a special exception use in the B-1, B-2 zones, but will not be permitted in all other zones.

**Section 195-28(A). Smoke Shops, Vape Shops, and Tobacco Stores**

A. Applicability.

The following regulations shall apply to the location of any smoke shop, vape shop, or tobacco store in the City of Derby.

**B. Application**

No land, building or structure may be used as a smoke shop, vape shop, or tobacco store unless such use is located in the B-1 or B-2 District and a special exception has been granted and a site plan and site plan for such use, submitted in accordance with Section 195-30 of these Regulations, has been approved by the Commission

**C. Location of smoke shop, vape shop and tobacco**

No smoke shop, vape shop, or tobacco store establishment shall be located within 1,500 feet from another smoke shop, vape shop, or tobacco store, or from a church, school, or playground. For the purpose of this regulation, the required 1,500 feet separation distance shall be the shortest total horizontal distance that can be measured beginning at the midpoint of the principal outside public entrance door of the building in which the proposed smoke shop, vape shop, or tobacco store is to be located, thence in one or more straight lines, measured along the right-of-way, via the shortest distance to a property line of the lot on which another smoke shop, vape shop, tobacco store, or a church school or playground is located.

**D. Maximum Number of Establishments**

There shall be no more than five (5) smoke shops, vape shops, or tobacco stores at any one time in the City of Derby.

**E. Signs**

In addition to the requirements set forth in Article XI herein, smoke shops, vape shops, and tobacco stores shall meet the following requirements.

- (1) There shall not be any signage advertising tobacco or vapor products, brand names, or other graphic images on the exterior of the premises.
- (2) Display of tobacco and vapor products on the inside of the premises shall not be visible from the exterior of the premises.
- (3) There shall be clear signage at the entrance to the premises that any person(s) under the age of 18 years old shall not enter the premises unless accompanied by a parent or legal guardian.