

SECTION 37 – MOTORSPORTS SPEEDWAY (MS) ZONE

37.1 Subject to the General Provisions of Section 6 and all other applicable requirements of this By-law, the provisions of this section shall apply to all Motorsports Speedway (MS) Zones, as follows:

37.2 PERMITTED USES

- Motorsports Speedway Complex
- Motorsports Garages and Shops
- Parking Garages
- Motorsports Offices
- Motorsports Emergency Command Centre
- Driver Experience Facilities
- Motorsports Museum
- Accessory uses, buildings and structures

37.3 REGULATIONS

Minimum landscape/planting strip	15 metres wide strip abutting a street. 4 metres wide strip abutting any other zone.
Maximum height of Grandstand	30 metres
Minimum Seating Capacity	65,000
Maximum number of race Vehicles permitted on the oval race course at one time	43
Maximum number of race Vehicles permitted on the road track at one time	40
Minimum Parking Requirements	On and Off-site parking on lands owned or leased by the owner/operator at the rate of 1 space for every 3 persons seating capacity in the Grandstand. Offsite parking must be located within Site Specific Policy area identified for the speedway complex.
Minimum height of noise control barrier	14 metres
Minimum Buffer Area setback from a Provincially Significant Wetland	30 metre except abutting a Right of Way or as determined by the Niagara Peninsula Conservation Authority.

Minimum Buffer Area setback from Non-Provincially Significant Wetlands and Significant Woodlands	15 metre except abutting a Right of Way or as determined by the Niagara Peninsula Conservation Authority
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EXCEPTIONS TO THE MOTORSPORTS SPEEDWAY (MS) ZONE

MS-434 (H) (106-10) OMB ORDER PL100362, SOUTH WEST CORNER OF BOWEN ROAD AND SUNSET DRIVE

Those lands are zoned Motorsports Speedway Holding MS-434 (H) Zone and all of the provisions that relate to lands zoned Motorsports Speedway (MS) Zone by this By-law shall apply to those lands zoned Motorsports Speedway Holding MS-434 (H) Zone, and subject to the following additional provisions:

- a) Notwithstanding the prohibited use in Section 6.22 (a) (xv), the subject lands shall be used as a track for the racing of motor vehicles or motorcycles or go-carts or motorized snow vehicles.
- b) Drag Racing is a prohibited use.
- c) The Motorsports Speedway Complex shall be limited to 8 Automotive Race Events per year. Events may last up to 3 days in duration.
- d) Hours of operation of the Motorsports Speedway Complex shall be limited from 9am to 6pm, however both the oval racecourse and the road race track may operate after 6pm during the 8 Automotive Race Events per year.
- e) All activities involving the use of motorized vehicles on any track areas, other than the use of motorized vehicles in facilities maintenance, including the operation of the Go-Kart track, warm up or practice racing, or other motorsports, shall be prohibited on at least one date of every week.
- f) Pursuant to Section 36(1) of the *Planning Act* the “H” Holding Symbol shall be removed upon the approval and execution of a Site Plan Agreement, pursuant to Section 41 of the *Planning Act*, by the Town of Fort Erie for the subject lands. Prior to the removal of the Holding provision the Town must approve a licensing by-law to regulate the racing of motor vehicles in the Town under s.s. 151 and 165 of the *Municipal Act*, 2001 and the owner shall have acquired title to the following lands:
 - 1. PIN: 64239-0308 (LT) Pt. Lot 9 Con 6 Niagara River, Bertie Pts 1 & 2 59R13376; Fort Erie municipally known as 2154 Laur Road, ON
 - 2. PIN 64238-0052 municipally known as 2242 Gilmore Road, Ridgeway, ON

3. PIN 64238-0072 municipally known as 1640 Sunset Drive, Fort Erie, ON

In addition, prior to the removal of the holding provision the owner shall complete a Detailed Servicing Review, Class Environmental Assessment, Detailed Storm Water Management Plan, Traffic Management Plan, Air Quality Study, a Noise Attenuation and Control Protocol, a Phase 1 Environmental Assessment, Amended Environmental Impact Study, Odour Study, Agricultural Impact Study and approval of a Stage 2 Archaeological Assessment, all to the satisfaction of the appropriate approval agencies.

MS-435 (H) (106-10) OMB ORDER PL100362, SOUTH WEST CORNER OF BOWEN ROAD AND SUNSET DRIVE

Those lands are zoned Motorsports Speedway Holding MS-435 (H) Zone and all provision that relate to lands zoned Motorsports Speedway (MS) Zone by this By-law shall apply to those lands zoned Motorsports Speedway Holding MS-435 (H) Zone, and subject to the following additional provisions:

- a) These lands shall only be used for a Motorsports Speedway Centre of Excellence.
- b) The Motorsports Speedway Centre of Excellence shall be subject to the following regulations:
 - i) Maximum Lot Coverage-70%;
 - ii) Maximum Building Height-21 metres;
 - iii) Minimum landscape/planting strip-10-metre-wide strip abutting a street and 4 metre wide strip abutting any other zone.
 - iv) 1 parking space shall be provided for every 30 square metres of gross floor area;
 - v) 50% of the required parking must be located on the lands zoned MS-333(H).
 - vi) Minimum 30 metre Buffer Area setback from a Provincially Significant Wetland except abutting a Right of Way or as determined by the Niagara Peninsula Conservation Authority.
 - vii) Minimum 15 metre Buffer Area setback from Non- Provincially Significant Wetlands and Significant Woodlands except abutting a Right of Way or as determined by the Niagara Peninsula Conservation Authority
- c) Pursuant to Section 36(1) of the *Planning Act* the “H” Holding Symbol shall be removed upon the approval and execution of the Site Plan Agreement, pursuant

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to Section 41 of the Planning Act, by the Town of Fort Erie for the subject lands and upon a Building Permit being issued for the lands zoned MS-434 Zone and the owner shall have acquired title to the following lands:

1. PIN: 64239-0308 (LT) Pt. Lot 9 Con 6 Niagara River, Bertie Pts 1 & 2 59R13376; Fort Erie municipally known as 2154 Laur Road, ON
2. PIN 64238-0052 municipally known as 2242 Gilmore Road, Ridgeway, ON
3. PIN 64238-0072 municipally known as 1640 Sunset Drive, Fort Erie, ON

MS-436 (H) (106-10) OMB ORDER PL100362, SOUTH WEST CORNER OF BOWEN ROAD AND SUNSET DRIVE

Those lands are zoned Motorsports Speedway Holding MS-436 (H) Zone and all provisions that relate to lands zoned Motorsports Speedway (MS) Zone by this By-law shall apply to those lands zoned Motorsports Speedway Holding MS-436 (H) Zone, and subject to the following additional provisions:

- a) These lands shall be used for Motorsports Speedway Innovation Complex.
- b) The Motorsports Speedway Innovation Complex shall only be subject to the following regulations:
 - i) Maximum Developable Lot Area- 4.0 hectares (9.88 acres);
 - ii) Maximum Lot Coverage-60%;
 - iii) Minimum landscape/planting strip-10-metre-wide strip abutting a street and 4 metre wide strip abutting any other zone;
 - iv) Parking Requirements: 1 parking space for every 100 square metres of gross floor area.
 - v) Minimum 30 metre Buffer Area setback from a Provincially Significant Wetland except abutting a Right of Way or as determined by the Niagara Peninsula Conservation Authority.
- c) Pursuant to Section 36(1) of the *Planning Act* the “H” Holding Symbol shall be removed upon the approval and execution of the Site Plan Agreement, pursuant to Section 41 of the Planning Act, by the Town of Fort Erie for the subject lands and upon substantial completion of the structure frame of the Grandstand confirmed by the engineer engaged for general review and the owner shall have acquired title to the following lands:
 1. PIN: 64239-0308 (LT) Pt. Lot 9 Con 6 Niagara River, Bertie Pts 1 & 2 59R13376; Fort Erie municipally known as 2154 Laur Road, ON

2. PIN 64238-0052 municipally known as 2242 Gilmore Road, Ridgeway, ON
3. PIN 64238-0072 municipally known as 1640 Sunset Drive, Fort Erie, ON

MS-437(H) (106-10) OMB ORDER PL100362, SOUTH WEST CORNER OF BOWEN ROAD AND SUNSET DRIVE

Those lands are zoned Motorsports Speedway Holding MS-437 (H) Zone and all provisions that relate to lands zoned Motorsports Speedway (MS) Zone by this Bylaw shall apply to those lands zoned Motorsports Speedway Holding MS-437 (H) Zone, and subject to the following additional provisions:

- a) Those uses permitted in Section 22-Highway Commercial (C3) Zone are permitted in the Motorsports Speedway Holding MS-437(H) Zone;
- a) These lands are subject to the following additional regulations:
 - i) Maximum leasable commercial area- 7000 square metres.
 - ii) Minimum landscape/planting strip-15-metre-wide strip abutting a street and 4-metre-wide strip abutting any other zone;
 - iii) Parking Requirements: 1 parking space for every 30 square metres of gross floor area;
 - iv) Minimum 15 metre Buffer Area setback from Non- Provincially Significant Wetlands and Significant Woodlands except abutting a Right of Way or as determined by the Niagara Peninsula Conservation Authority
- c) Pursuant to Section 36(1) of the *Planning Act* the “H” Holding Symbol shall be removed upon the approval and execution of the Site Plan Agreement, pursuant to Section 41 of the Planning Act, by the Town of Fort Erie for the subject lands and upon substantial completion of the structure frame of the Grandstand confirmed by the engineer engaged for general review and the owner shall have acquired title to the following lands:
 1. PIN: 64239-0308 (LT) Pt. Lot 9 Con 6 Niagara River, Bertie Pts 1 & 2 59R13376; Fort Erie municipally known as 2154 Laur Road, ON
 2. PIN 64238-0052 municipally known as 2242 Gilmore Road, Ridgeway, ON
 3. PIN 64238-0072 municipally known as 1640 Sunset Drive, Fort Erie, ON

37.4 If the Holding provision for those lands zoned Motorsports Speedway Holding MS 434(H) Zone has not been removed on or before September 13, 2020, than By-law No. 106-10 shall be of no force and effect.