PLANNING JUSTIFICATION REPORT

MERRITTVILLE SPEEDWAY & ENTERTAINMENT INC

2371 MERRITTVILLE HIGHWAY

CITY OF THOROLD

TO RECOGNIZE A LONG STANDING

LEGAL NON CONFORMING USE

IN A ZONING BY-LAW AMENDMENT

AND

TO PROVIDE FOR FUTURE

VALUE ADDED AGRICULTURAL RURAL USES

PREPARED AND
SUBMITTED BY GREG HYNDE
URBAN ENVIRONMENTS
NOV 27,2025

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ATTACHMENTS

SECTION 1 - INTRODUCTION AND BACKGROUND

Urban Environments in concert with Sam DeRose PEng have been retained by Don Spiece owner of Merrittville Speedway and Entertainment Inc. to prepare a zoning by-law amendment and site plan to recognize a long-standing legal non-conforming use at 2371 Merrittville Highway.

The zoning by-law will not only recognize the motorsport operation along with its ancillary uses, but also provide a mechanism to recognize value-added rural and agricultural uses in the future.

The speedway and it's ancillary uses have operated as a legal non-conforming use for over 70 years at the south west intersection of Merrittville Highway and Holland Road in the City of Thorold, on approximately 9.9 ha (24.5 A) .

The site accommodates the racing of motorized vehicles (stock cars, buses, trucks, go carts) as well as on site food and beverage services open to the public. The site has also historically supported special events such as car shows, concerts and seasonal events (Christmas and Easter). These uses are proposed to be formally recognized through the subject Zoning By-law Amendment.

Recent expansions and relocations of the food and beverage operations(moved closer to Merrittville Highway frontage) have been processed through Section 45 (2) of the Planning Act, using the legal non-conforming use policies of the City of Thorold Official Plan to permit limited expansions.

The most recent restaurant expansion was approved in July/August 2025.
Pre-consultation meetings with City staff and agencies have occurred over the past two years to address the expansion of the food and beverage operations and to determine a

more appropriate planning framework to regulate the recreational/commercial uses on the site.

The pre-consultation meetings (April 14, 2024, September 9, 2025 October 22, 2025) also reviewed the potential for the site to:

- **accommodate alternative land uses that add value to the property**
- **reduce impacts on the surrounding neighbourhood;**
- **better conform with the land use policy direction of the City of Thorold the Region of Niagara , and the Province of Ontario**

The future land uses identified by the owner, consultant team and experts in Niagara area land economics include. Value – added rural/agricultural uses such as a winery, distillery, garden centre, farm-to- table, food, and beverage facilities.

These value-added rural/agricultural uses are envisioned as replacement uses for the speedway and existing entertainment uses. The future value added agricultural/rural commercial uses are expected to have lesser impacts on the surrounding area and to better integrate with the rural commercial character of the Merrittville mixed land use corridor.

The existing uses and the future uses will not be permitted to coexist on the site. Accordingly a two - part Zoning By-law Amendment is proposed.

Part 1 - Existing Uses

Part 2 - Future Uses

In addition to the zoning process, a Site Plan Agreement will be entered into with the City of Thorold and registered on title . A Holding (H) provision will apply to the Part 2 -

Future Land provisions of the Zoning By-law to ensure a controlled and phased transition from the existing speedway use to future value added agricultural / rural uses.

SECTION 2 - APPLICATION AND PURPOSE

The purpose of this Planning Justification Report is to provide a thorough analysis of the existing and future land uses on the subject site and to evaluate the appropriateness of the proposed Zoning By-law Amendment, Site Plan Agreement, and Holding Provision in the context of the following policy and regulatory documents:

- **Provincial Planning Statement (2024)**
- **Greenbelt Plan (2017)**
- **Niagara Region Official Plan (2022)**
- **City of Thorold Official Plan (2010 &2015) and Zoning By-law 60-2019**
- **Sections 34, 36, and 45 of the Planning Act**
- **OMAFRA Publication 851**

The analysis focuses on the appropriateness of formally, recognizing the speedways long standing legal non-conforming uses through a site - specific Zoning By-law framework with clear land use controls, and providing for future land uses that are more compatible with surrounding area and more in conformity with municipal, regional, and provincial land use policies.

The analysis also examines the the role of the Site Plan Agreement , and the Holding (H) provision in providing a controlled regulatory framework for:

- **the continued operation and potential limited expansion of the existing speedway use; and**
- **the eventual transition to viable value added agricultural/rural land use options**

2.1 TWO - PART ZONING SOLUTION

The proposed zoning amendment is structured as a two – part solution:

- **Part 1- Recognizes the existing legal non-conforming Speedway and ancillary uses as permitted uses within a site – specific zone, establishing a clear regulatory framework and reducing reliance on repeated minor variances under section 45 (2) of the Planning Act.**

- **Part 2 — Future Uses:**
  Establishes a set of replacement value – added agricultural and rural commercial uses that will only be permitted once the speedway ceases operation, subject to a Holding (H) provision, Site Plan approval, and satisfaction of applicable, environmental, servicing, and design requirements.

This approach delivers both certainty for the existing operation and a clear path for a long-term solution.

SECTION 3 - LOCATION AND NEIGHBOURHOOD

For the last 73 years Merrittville Speedway has operated on the south - west quadrant of Merrittville Highway and Holland Road. Merrittville Highway is a Regional Road and Holland Road is a local City Road .The speedway enjoys approximately 274.32 m of frontage on Merrittville Highway and 362.10 metres of flankage on Holland Road. The site area is approximately 9.93 ha and forms part of a 10 km mixed use Merrittville Highway corridor.

The corridor extends from Brock University (Merrittville Highway and and Sir Isaac Brock Drive) at its northern extent , south to the City of Welland (Quaker Road boundary) It contains a mixture of land uses including:

- **Brock University and the Schmon Business Park**
- **Rural residential uses**
- **Commercial uses**
- **Institutional uses (e.g, Pleasantview, Funeral Home & Memorial Gardens)**
- **Highway commercial (e.g. Tim Hortons; gas station at Turner's Corner's)**
- **Recreational uses (e.g. Brock Golfland)**
- **Agricultural and related uses**

Portions of this 10 km corridor are fully municipally serviced, while others are partially serviced or reliant on private services.Merrittville Speedway operates exclusively on private services.

The the adjacent land uses to the site are as follows

- **North — Agricultural (e.g., wheat)**
- **South — Rural Residential and previous a chicken farm**
- **East — Agriculture (e.g., wheat)**
- **West — Agricultural (e.g., corn)**

3.1. SITE STATISTICS

Lot Area	—	**9.3 ha**
Lot Frontage (Merrittville Highway	—	**274.32 m**
Lot Flankage (Holland Road)	—	**362.10 m**
Total Lot Coverage by Buildings	—	**2612.0 m2 1.5%**
Total Landscaped Area	—	**10.69**
Total Landscaped Area	—	**87.18 %**
Total Parking Spaces	—	**700**

3.2 SITE DESCRIPTION

The Merrittville Speedway site is approximately 9.3 ha in size with 1/4 mile dirt racetrack that occupies approximately 50% of the site, together with ancillary uses including offices, viewing stands, pit area, pump house , and ponds. The remaining 50% of the site is devoted to parking, signage, and overnight camping, for employees /drivers, and food, and beverage facilities.

Sanitary sewage is managed through six holding tanks that are pumped out regularly. Potable water is supplied by three wells on site, with daily testing and additional laboratory testing approximately every three months .

Storm drainage is accommodated by series of swales, ditches and underground drainage systems all of which outlet to Holland Road, and Merrittville Highway to agricultural lands to the east. The drainage pattern is generally from west to east and south to north. The highest site elevation is at the apex of the race track in the northwest quadrant (approximately 182.50 m) with the lowest point in the north east corner along the drainage ditch.

The site contains approximately 29 buildings most of which are repurposed containers or portable trailers , along with viewing stands for the spectators and drivers.
These buildings accommodate administration , storage, food and beverage facilities and utility functions.

The speedway operates seasonally from April to November. There are approximately 28 racing events per season with up to 100 special events (e.g., car shows). Racing events typically attract approximately 1500 to 2000 spectators, while the food and beverage operation can draw 3000 to 4000 patrons per day during peak special events.

SECTION 4 - EXISTING DEVELOPMENT (LEGAL-NON CONFORMING USE)

The race track use was established approximately 73 years ago and has changed ownerships three or four times over its history. The current ownership, under Don Spiece (Merrittville Speedway & Entertainment Inc.) acquired the operation in 2017 and has invested in the expansion and enhancement of food and beverage ancillary uses including relocation of these uses closer to the Merrittville Highway frontage. This relocation has improved public visibility and created a safer separation between spectator/ restaurant areas and the track and pit areas.

The owner's now wish to recognize these long-standing uses (principle and ancillary) threw an appropriate zoning process. Under the proposed amendment, permitted uses will be clearly identified for a more efficient approval process. Minor expansions will be implemented through a site specific zoning and Site Plan control, rather than repeated approvals under Planning Act Section 45 (2).

Part 1 of the proposed Zoning By-law Amendment will establish a land use "base" for the existing operation, and will serve as the foundation for the transition process to a more sustainable and compatible land use outcome on the site, as set out in part 2 (Future Uses).

At present, the principle existing uses are generally split between the east and west halves of the property:

- **West half : racetrack, pit area, driver, viewing stand, administrative offices, storage containers, spectator stands, restrooms, and bar / food services;**
- **East half: approximately nine hundred parking spaces, overnight employee, camping area, and more recently established food and beverage facilities.**

Vehicular access is provided from both Holland Road and Merrittville Highway.

4.1. ZONING BY-LAW

The proposed Zoning By-law Amendment will recognize the existing speedway and ancillary uses, as well as special events, such as concerts, sporting events, weddings, and similar activities, within a site – specific zone.

The City of Thorold's Comprehensive Zoning By-law 60-2019 will continue to apply the underlying Specialty Crop (AS) Zone regulations (e.g., setbacks, lot coverage, building, height, parking) to control the physical form of development, in conjunction with detailed Site Plan and a Site Plan Agreement for all new buildings and major additions.
Since 2017 the owner of the sight has invested in the cleanup and improvement of the site, including:

- **locating new buildings in safer and more functional locations away from the track;**
- **upgrading on-site drainage systems;**
- **introducing new and improved washroom, facilities;**
- **providing enhanced seating for restaurant, patrons;**
- **improving on site parking facilities**

SECTION 5 - FUTURE LAND USES

Part 2 of the proposed site-specific Zoning By-law provides the framework for transition from the existing , recognized legal non- conforming uses (racetrack, and ancillary uses) in Part 1 to future value-added agricultural and agro-commercial uses.

Part 1 encapsulates the long - established legal non-conforming operation of the speedway and ancillary uses, which has existed for over 70 years.

Part 2 will provide the land use basis for transitioning the site to:

- **value-added agricultural uses: and**
- **stand-alone agro-commercial uses.**

Therefore a two-part zoning by-law process is proposed for both existing and future uses.

These future uses will replace the speedway use and bring the site closer to conformity with the provincial, regional, and municipal policy direction for Specialty Crop and Protected Countryside lands. The future uses will also provide a better fit for the neighbourhood.

The future future uses identified in the draft Zoning By-law include:

- **winery**
- **distillery**
- **garden centre**
- **farm-to-table eating establishments / hospitality uses: and**
- **various forms of agricultural-related warehousing, and storage.**

These value added agricultural / rural uses, are expected to have a reduced impact on the surroundings and to better align with the rural commercial character of the Merrittville mixed use corridor.

Importantly, the existing speedway uses in the proposed future uses, will not be permitted to coexist on this site. The future uses are designed to to be replacement uses and will only be permitted once the speedway operation ceases, and accordance with the transition and Holding (H) provisions of the By-law.

The future uses will be subject to a Holding Provision under Section 36 of the Planning Act.

The Holding (H) symbol will not be removed until:

- **the owner has entered into a Site Plan Agreement with the City of Thorold; and**
- **the municipality is satisfied with respect to financial securities, site, servicing, access and traffic, parking, stormwater management, landscaping, and any other technical and design conditions.**

SECTION 6 - REVIEW OF PLANNING POLICY FRAMEWORK

The subject lands are designated and zoned for agricultural purposes in the Provincial, Regional, and City of Thorold land use policy documents. The Provincial Policy Statement and the Green Belt Plan identify the area as part of the Agricultural System and specifically as a Specialty Crop Area, indicating a high level of protection.

The Niagara Region Official Plan designate the lands Specialty Crop Area and the City of Thorold Official Plan designates the lands as Prime Agricultural / Specialty Crop, with the Zoning By-law applying the - Specialty Crop - (AS) Zone .

Despite these designations a long-standing land use on the subject site has been for stock car racing, special events, (e.g., car shows, motorcycle racing), and ancillary use (food and beverage outlets) . Over more than seven decades and multiple generations of government land use policies these uses have never been fully recognized in Zoning and / or Official Plan documents.

Historically, expansions have been processed using Section 45 (2) of the Planning Act for expansions to legal non - conforming uses. All relevant policy documents at the Provincial,Regional and local levels contain policies that recognize pre existing uses and

allow for limited expansion, even where such use do not conform to current agricultural designations.

The Provincial Policy Statement (2024) defines, and relies upon the concept of "Specialty Crop Area" as referenced in the Greenbelt Plan. Specialty Crop Areas are lands where:

- **specialty crops are predominantly grown (e.g., tender, fruit, grapes, vegetables, greenhouse, crops, crops on organic soils);**
- **there is a combination of favourable soils and / or special climate conditions;**
- **farmers are skilled and producing specialty crops; and**
- **there has been long-term investment in crop production, drainage, infrastructure, and related facilities.**

In the case of the Merrittville site, the current use and condition of the lands do not meet the functional characteristics of an active Specialty Crop Area. The lands of been occupied for decades by the racetrack, ancillary buildings, parking areas, and compact surface treatments (asphalt, and crushed stone) . The agricultural soil capability has been significantly altered, and there's no current or recent history of specialty crop production on the subject parcel and / or long term investment of capital in crops and infrastructure and services to store produce or process specialty crops.

Accordingly, while the designation is Specialty Crop Area, the actual use and site condition are not aligned with that designation. The existing use predates all current policy documents and the site is appropriately treated as a legal non-conforming commercial/ recreational operation within an agricultural policy framework.

The planning policy justification for the proposed amendment is based on a review of:

- **Provincial Policy Statement (2024)**
- **Greenbelt Plan (2017)**

- **OMAFRA'S Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas (Publication 851, 2016/and updates);**
- **Niagara Region Official Plan (2022); and**
- **City of Thorold Official Plans (2020 & 2015) and Zoning By-law 60-2019**

6.1 PROVINCIAL POLICY STATEMENT (2024)

On August 20, 2024, the Ministry of Municipal Affairs and Housing issued a new Provincial Policy Statement. The Ministry issued Provincial Planning Statement came into effect on October 20, 2024 and replaces both the Provincial Policy Statement (2020) and The Growth Plan For The Greater Golden Horseshoe (2019).

The Provincial Planning Statement 2024 "provides policy direction on matters of provincial interest related to land use planning and development. It establishes a policy-led framework to:

- **support a strong and competitive economy;**
- **promote efficient and resilient development patterns;**
- **protect the agricultural lands of natural heritage; and**
- **safe public health and safety.**

Key directions relevant to this application include:

- **directing growth to appropriate locations where infrastructure and transportation are available and efficient**
- **promote the long-term viability of rural areas through diversification, vitality, and regeneration;**

- **protecting the agricultural land base as a resource of provincial importance; and**
- **supporting on-farm diversification and value-added agricultural uses that enhance farm, viability where appropriate.**

The proposed amendment addresses these directions as follows:

- **The existing speedway use is recognized as a legal non-conforming use and is not being newly introduced**

- **The future uses (winery, distillery, garden centere, farm-to-table hospitality uses, and related storage) and value-added agricultural / rural commercial uses that can be made compatible with a surrounding agricultural operation through appropriate site planning**

- **The proposal does not remove any land currently in active agricultural production; rather, it formalizes boundaries and controls .It's an existing non-agricultural use and creates a framework for more compatible value added agriculture uses over time.**

- **Recognition and orderly transition of the existing use supports rural economic vitality while reducing long term land use conflicts and improving alignment with agricultural policies.**

- **The special events and winery, distillery, garden centre will help diversify farm operation incomes which helps to ensure long-term viability of agricultural production in the immediate area.**

6.2 GREENBELT PLAN (2017)

The Greenbelt Plan (2017) " identifies where urbanization should not occur in order to provide permanent protection to the agricultural land base and the ecological and hydrological systems that support it . It builds on the Provincial Policy Statement by establishing a land, use framework for the Greater Golden Horseshoe that supports a thriving economy, environmental health, and social equity.

The subject site is within the Protected Countryside and designated Specialty Crop Area. Within this context, the Greenbelt Plan:

- **protects against the loss and fragmentation of the agricultural land base;**
- **provides for a range of economic and social activities associated with the rural communities, agriculture, tourism, recreation, and resource uses; and**
- **recognizes and provides for existing uses and limited expansions where they move toward greater conformity.**

Relevant Greenbelt Plan directives include:

The subject site is located within the Protected Countryside and Specialty Crop Area. The subject lands fall within the Protected Countryside , and the following policies shall apply:

1) **all existing uses are permitted**

2) **single dwellings are permitted on existing lots of record, provided they were zoned as such as of the date the Greenbelt Plan came into force. Municipalities are encouraged to retain existing lots of record agricultural uses and discourage non - agricultural uses were appropriate**

3) outside of the Natural Heritage System, second dwelling units are permitted in accordance with sections 4.5.1. and. 4.5.2 or within existing accessory structures on the same lot.

4) Expansions to existing buildings and structures, accessory structures, and uses and/or conversions of legally existing uses, which bring the use more into conformity with this Plan a permitted subject to a demonstration of the following:

a) Notwithstanding section 4.2.2.2. new municipal services are not required ; and

b) The use does not expand into key, natural heritage features or key hydrologic features or their vegetation protection zones unless there is no alternative, in which case any expansion will minimize and mitigate impacts where unavoidable.

5. Expansions or alterations to existing buildings and structures for agricultural uses , agriculture-related uses or on-farm diversified uses and expansions to existing residential dwellings may be considered within key natural heritage features, key hydrologic features, and their associated vegetation protection zones, if it is demonstrated that:

a) there's no alternative, and the expansion or alteration in the feature is minimized and, in the vegetation protection zone , is directed away from the feature to the maximum extent possible: and

b) the impact of the expansion or alteration on the feature and its functions is minimized and mitigated to the maximum extent possible

6. Expansion, maintenance and/or replacement of existing infrastructure is permitted and subject to the infrastructure policies of section 4.2.

The speedway use predates the Greenbelt Plan along with other Provincial Land Use Policy plans and is recognized as an existing use. With respect to the future uses proposed in the zoning by-law the Greenbelt Plan policies support conversions of legally existing non-conforming uses to uses that are more in conformity with the Plan 's objectives. The proposed value added agricultural and rural commercial uses (e.g., winery, distillery, garden centre, farm-to-table facilities) satisfy this directive by:

- **reducing overall land use conflict;**
- **aligning more closely with agricultural and rural economic objectives; and**
- **maintaining the Protected Countryside land base under non- urban uses.**

6.3. NIAGARA REGIONIAL OFFICIAL PLAN (2022)

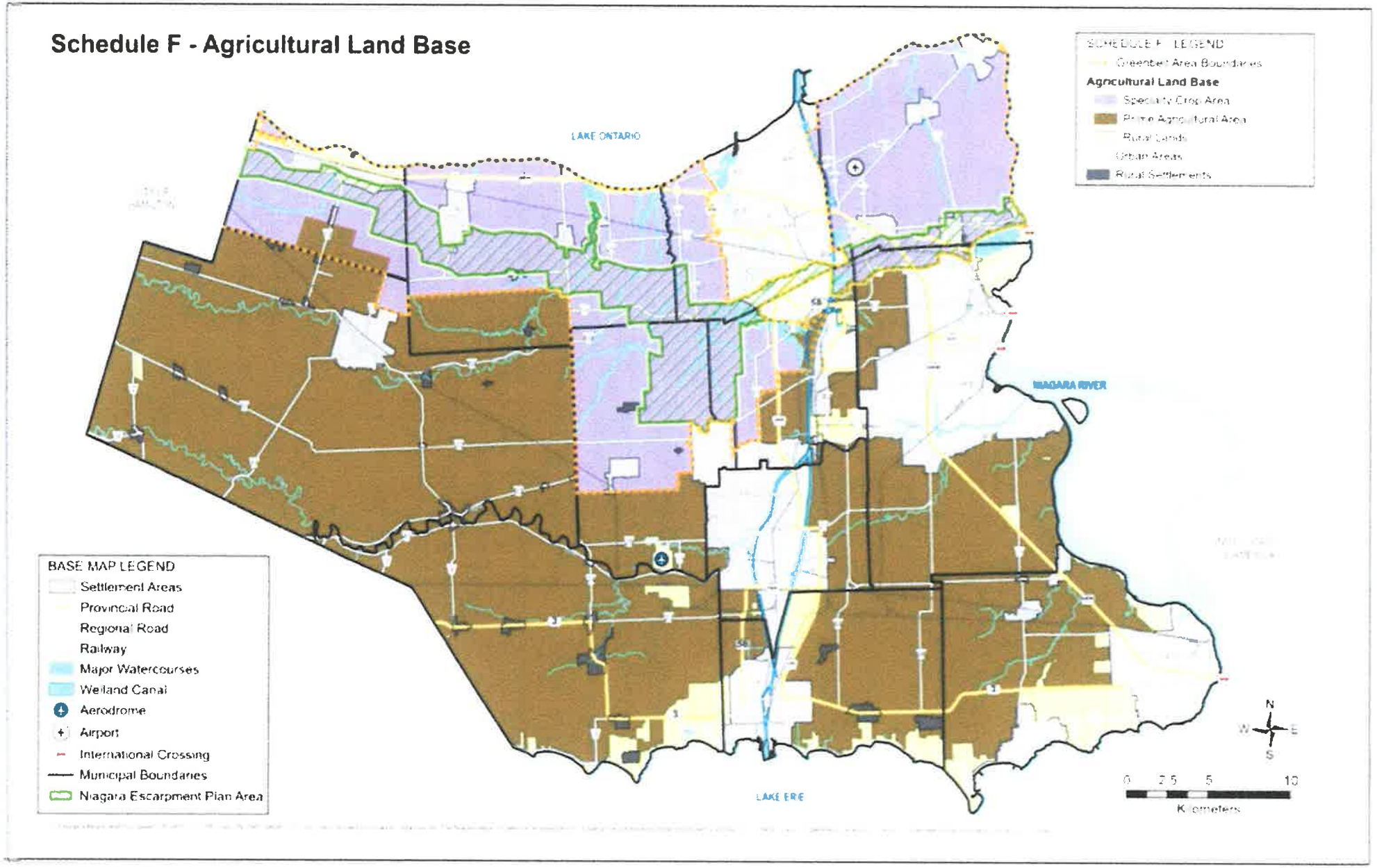
The Niagara Region Official Plan designate the subject lands as Specialty Crop Areas. Bill 23 has modified the regional role in planning approvals; however, the Regional Plan continues to provide an important policy context for Specialty Crop lands and existing non-conforming uses.

The Regional Plan policies relating to:

- **existing legal non-conforming uses established prior to December 16, 2004;**
- **site-specific permissions; and**
- **infrastructure and servicing.**

The Region and the City of Thorold both recognize that non- agricultural uses which pre-date current policy - such as Merrittville Speedway - maybe be recognized and allowed to

Schedule F - Agricultural Land Base



expand or transition, subject to criteria relating to servicing, compatibility, and agricultural protection.

In summary while the lands are designated Specialty Crop Area, the Region and City policy frameworks both recognize Merrittville Speedway as a lawful, pre-existing use and provide policy tools for continuation and orderly transition .

6.4 CITY OF THOROLD OFFICIAL PLANS (2010 & 2015)

Two key Official Plans have been reviewed: the (2010) City of Thorold Official Plan and the subsequent Plan (2015) . The subject site's recreational commercial land use predates, both plans and all historic Zoning By-laws.

The 2010 Official Plan designates the site as Agricultural but contains specific policies recognizing non-agricultural uses within the Agricultural Area, including:

- **Brock Golfland**
- **Merrittville Speedway**
- **Pleasantview Memorial Gardens**
- **Recreational Sportsplex**

All the above are located on Merrittville Highway.

These uses are recognized as exceptions and are subject to criteria and Section 4.6 1(e) and (f).

- **preservation of natural site features were practical;**
- **appropriate lot size, and location relative to use;**
- **compatibility with adjacent uses;**
- **avoidance of physical hazards (e.g., flooding, erosion, unstable soils);**
- **no detrimental effect on surrounding agricultural drainage or operations; and**
- **possible requirement for Site Plan or Development Agreement.**

Section 4.6.1 (f) provides for recognition and enlargement of established non-agricultural uses in Agricultural Areas through zoning, subject to the demonstration of need, desirability, policy, compatibility, and reasonable compatibility with existing surrounding uses. The applicant for expansion of established non-agricultural uses in Agricultural Areas may be required to enter into a Site Plan Agreement with the City.
The 2015 Official Plan designates these subject sites as Specialty Crop, consistent with the Greenbelt Plan, and contains policies related to existing uses and expansions.
(Section B2.2.5 Expansion of Existing Uses) It :

- **deems existing non-conforming uses established prior to December 16, 2004 as permitted; and**
- **allows expansions to buildings, structures, or accessory uses through Committee of Adjustment, subject to criteria, including no extension of municipal water or sewer services and consistency with Natural Heritage policies.**

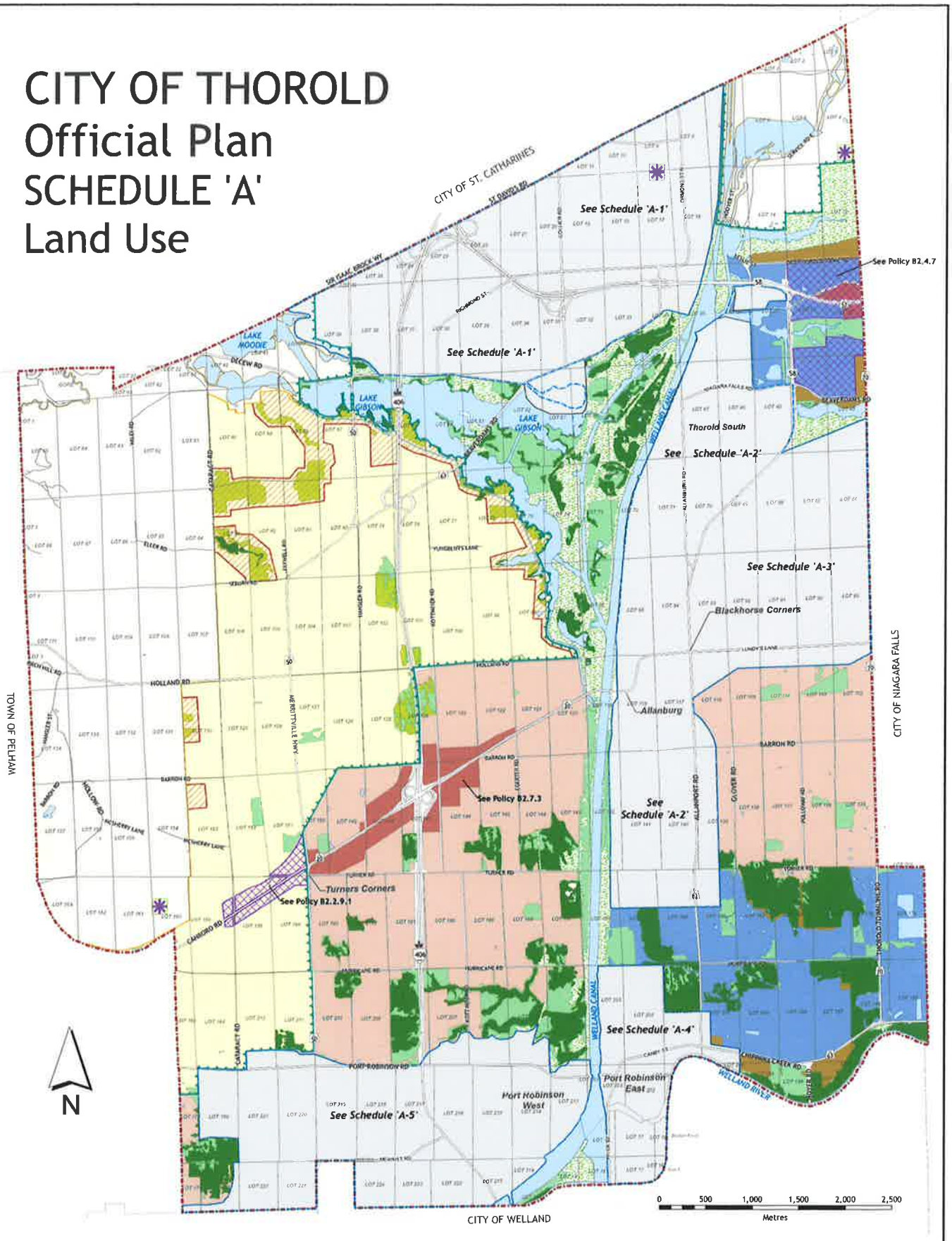
Section B2.2.8 (Implementing Zoning By-law)

- **requires that all lands in the Specialty Crop designation be placed in a Specialty Crop Zone , with existing legal uses placed in an appropriate site - specific zone, provided they do not pose a risk to public health safety.**

Both Official Plans :

- **recognize Merrittville Speedway as a site-specific exception within agricultural designations; and**
- **provide a policy basis for recognizing and placing the legal non-conforming use in a site-specific zone and for managing expansions and transition over time.**

CITY OF THOROLD
Official Plan
SCHEDULE 'A'
Land Use



Legend

- Former Waste Disposal Site
- Greenbelt Boundary
- Urban Area Boundary
- Municipal Boundary
- NEP Area
- Special Policy
- Rural Highway Commercial
- Specialty Crops
- Agricultural
- Rural
- Rural Industrial
- Open Space & Parks
- Environmental Protection One
- Environmental Protection Two
- Environmental Protection Three
- Greenbelt Natural Heritage Overlay

City of Thorold

Adopted April 21, 2015

6.5 CITY OF THOROLD ZONING BY-LAW 60-2019

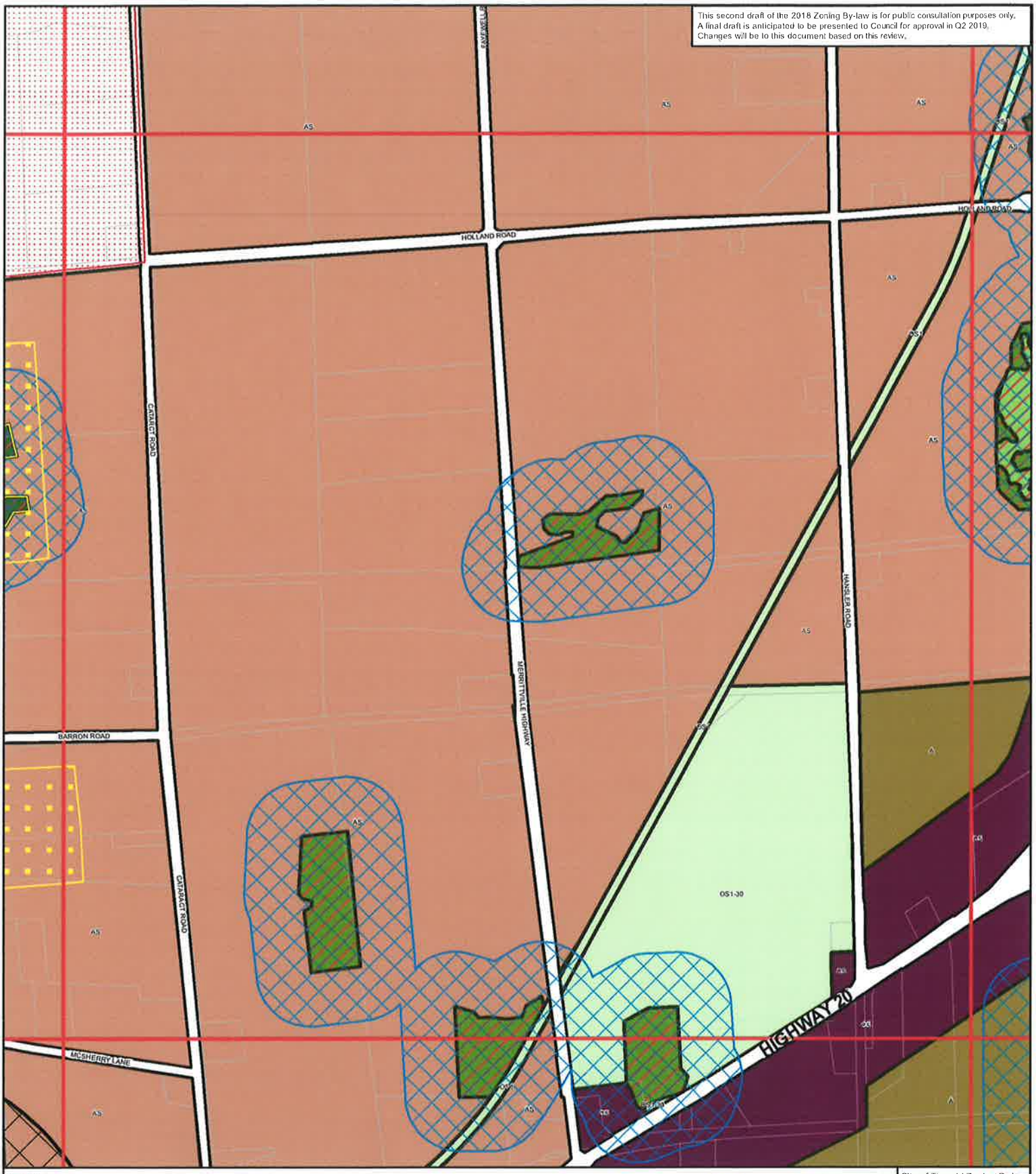
Under Zoning By-law 60-2019, the Merrittville Speedway site is zoned Specialty Crop (AS), which is intended to implement the Specialty Crop designation in the City's Official Plan.

The existing Speedway & Entertainment use is not a permitted to use in the (AS) Zone, despite having operated for approximately 72 to 73 years and pre-dating all modern Official Plans and Zoning By-laws. As a result, the use has been treated as legal non-conforming, and expansions require repeated approvals under Section 45 (2) of the Planning Act.

To properly recognize the legal non-conforming use and provide a predictable framework for both ongoing operations and future transition, the Comprehensive Zoning By-law must be amended. The proposed amendment will:

- **recognize the existing speedway and ancillary uses as permitted uses in a site, specific exception; and**
- **identify potential future uses that will stabilize the development approval process and reduce impacts on surrounding land uses.**

Both existing and future land uses under the proposed By-law will continue to rely on the underlying AS Zone regulations (e.g., setbacks, lot coverage, building, hike, parking) to control, built form, supplemented by Site Plan control for all new buildings and major additions or developments.


This second draft of the 2018 Zoning By-law is for public consultation purposes only. A final draft is anticipated to be presented to Council for approval in Q2 2019. Changes will be to this document based on this review.
HOLLAND ROAD
CATARACT ROAD
MERRITTVILLE HIGHWAY
HANSLER ROAD
BARRON ROAD
McSHERRY LANE
HIGHWAY 20
OS1-30
AS
City of Thorold Boundary
Community Zones
I1 - Major Institutional
I2 - Minor Institutional
OS1 - Parks and Recreation
OS2 - Open Space Conservation
Countryside Zones
A - Agricultural
AS - Specialty Crop
RU - Rural
Employment Zones
M1 - Prestige Industrial
M2 - General Industrial
M3 - Employment Mixed Use
M4 - Rural Industrial
Environmental Zones
EP1 - Environmental Protection One
EP2 - Environmental Protection Two
EP3 - Environmental Protection Three
Other Zones
FD - Future Development
U - Utility
Commercial Zones
C1 - Downtown Main Street
C2 - Downtown Mixed Use
C3 - General Commercial
C4 - Neighbourhood Commercial
C5 - Highway Commercial
C6 - Mixed Use Commercial
Residential Zones
R1A - Single Detached
R1B - Single Detached, Duplex
R1C - Single Detached, Duplex
R1D - Single Detached
R2A, R2B - Semi Detached
R3A, R3B, R3C, R3D - Townhouse (Street or Stacked), Triplex, Fourplex, and Private Street Development
R4A, R4B - Apartment and Long Term Care Facility
Greenbelt Natural Heritage Area
Source Water Protection Area (area specific provisions apply)
Niagara Escarpment Plan
Former Waste Disposal Site
Solid Waste Disposal Assessment Area (area specific provisions apply)
Natural Heritage Feature Buffer Area
Water Feature
City of Thorold Zoning By-law
Schedule A15
A9
A10
A11
A14
A15
A16
A19
A20
A21
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March 2019
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7. SITE SERVICING

While portions of the 10 kilometre Merrittville Highway mixed-use corridor are fully municipally serviced, the Merrittville Speedway section at Holland Road and Merrittville Highway operates without municipal services.

Merrittville Speedway & Entertainment has operated on private services since the 1950's. The seasonal operation. (April – October) and the limited number of racing, and special event days are serviced by sewage storage tanks which are monitored and pumped out on a regular basis. Potable water is supplied by three on-site wells with daily on-site testing and regular laboratory testing .

The future uses will be subject to a Holding (H) Provision and Site Plan Agreement ,which will address :

- **advanced stormwater management;**
- **sanitary sewage disposal;**
- **potable water supply**
- **traffic access, and parking; and**
- **site design, grading, and landscaping.**

Future development is expected to rely on private waste disposal and private water supply, consistent with the City of Thorold Official Plan policy and to the satisfaction of the Regional Health Department and / or Ministry of Environment, Conservation and Parks (MECP), as applicable.

SECTION 8 PROPOSED ZONING BY-LAW AMENDMENT

The proposed zoning by-law we'll have two parts :

- **Part 1 - Existing Uses (Recognition and Regulation) : and**
- **Part 2 - Future Uses (Value - Added Agricultural / Rural Uses), subject to a Holding (H) Provision**

This two part system will allow the site to transition from a long – standing legal, non-conforming speedway use to more suitable and sustainable value – added agricultural/rural uses over overtime. The future uses will be more compatible with surrounding agricultural uses and the rural character of the neighbourhood, and will better reflect the intent of the Specialty Crop and Protected Countryside policy framework.

8.1 EXISTING USES

PART 1 (EXISTING USES)

1 . The use of lands and buildings for Specialty Crop and Speedway Entertainment purposes and ancillary uses, buildings, and structures;

2. For the propose of this AS Zone , a "Speedway Use" shall be defined to include, as its principal use:

- **auto racing,**
- **motorcycle racing**
- **other forms of vehicle racing**

3. **and shall include the following uses related to the principal use;**

- **administrative offices;**
- **customer viewing areas and spectators stands**
- **driver facilities and pit areas**
- **spectator and employee parking**
- **driver/staff overnight camping area;**
- **washroom facilities**
- **utility buildings and structures accessory to the speedway use**

4. **Ancillary and accessory uses may also include:**

- **small -scale outdoor food and beverage structures as depicted on an approved site plan**

- **a confined and sealed outdoor storage area as depicted on an approved site plan;**

- **up to two (2) community events per calendar year, lasting no more than (3) calendar days each, subject to a minimum of of 14 days written notice to the City**

- **limited additional, small scale , one-day events, at the discretion of the City subject to a minimum of 14 days written notice.**

5. **The zone provisions of the AS zone, and the general provisions of By-law 60-(2019) shall be completed for all buildings, structures and uses as depicted on the approved Site Plan. All existing buildings, structures, and uses established on the date of passage of this amending By-law , where deficient from the provisions of them "AS" zone, shall be deemed to comply and**

establish minimum yard and setback provisions for that specific building, structure or use.

8.2 TRANSITION

Once the speedway and ancillary uses cease to operate, the future uses identified in (Part 2) will be considered as replacement uses and will not be permitted to operate concurrently with the Speedway uses.

A Holding (H) Provision pursuant to section 36. (1) of the Planning Act will apply to Part 2 future use provisions . The (H) symbol will only be removed when:

- **the speedway operation has ceased**
- **environmental conditions have been addressed, including compliance with Parts 15.1 and 15.2 of the Ontario Environmental Protection Act regarding change of use to a more sensitive land use , where applicable; and**
- **the owner has entered into a Site Plan Agreement with the City, to the City's satisfaction.**

8.3. FUTURE USES AND HOLDING PROVISIONS - PART 2

1. **Upon cessation of the principal Speedway Use, all other permit uses of the AS Zone and regulations shall continue to apply, plus the following agricultural value-added and rural commercial uses, which shall only be permitted once the Holding (H) symbol has been removed :**

    - **winery;**
    - **distillery;**
    - **garden centre;**

- **farm-to-table hospitality uses (food and beverage)**
- **county fairs and special events related to agriculture / rural themes**
- **agricultural - related storage and warehousing uses ; and**
- **such other value added agricultural uses as may be identified through the implementing By-law and Site Plan.**

2. **Prior to the change of use to any more sensitive use, the site shall be determined by a qualified person to comply with parts 15.1 and 15.2 of the Ontario Environmental Protection Act and it's change-if-use provisions, as amended.**

3. **Lands identified as "Agricultural Commercial Site-Specific Exception Zone" on Schedule "A" to the amending By-law shall not be used , nor shall any building or structure be used, erected, or altered for the future Part 2 uses until the Holding (H) symbol is removed pursuant to the Planning Act, following:**

    - **execution and registration of a Site Plan Agreement based on supporting justification studies / reports (e.g., servicing, stormwater, traffic, environmental, design), to the satisfaction of the City of Thorold; and**

    - **fulfillment of any related conditions established by the City and relevant agencies.**

SECTION 9 SUMMARY OF FINDINGS

- **The Merrittville Speedway and Entertainment facility has operated for 73 years and pre-dated the City's , Region of Niagara and Provincial land use policy frameworks and zoning regulations. The use is therefore considered a legal non-conforming use . It's long operations demonstrates coexistence with surrounding agricultural operations**

- **Expansions to the Speedway & Entertainment facility has been granted by the City's Committee of Adjustment pursuant to Section 45 (2) of the Planning Act - expansions for legal non-conforming use.**

- **The long standing racetrack facility, along with its ancillary uses, may reach its functional obsolescence in the near future and zoning the site for existing uses, and future uses, represents a sound planning strategy for the viability and sustainability of the site.**

Recognizing the race track and the ancillary uses through a site-specific Zoning By-law Amendment and providing for future replacement uses represents a sound planning strategy. It:

- **provides clarity and predictability for the existing operation;**

- **establishes a clear path to more compatible and policy consistent future uses; and**

- **reduces the need for repeated minor variance, approvals for routine matters; and**

- **protects the long-term viability of lay base in a manner compatible with surrounding agricultural uses.**

The purposed use of :

1. **a two-part Zoning By-law (existing and future uses),**

2. **a Holding (H) Provision, and**

3. **Site Plan control**

represents a sound planning based framework for managing land use impacts, servicing, traffic, and design, and for ensuring appropriate transition from the speedway to value-added agricultural uses.

The proposed Zoning By-law Amendment:

- **has regard for the Planning Act;**
- **is consistent with the Provincial Planning Statement (2024)**
- **is consistent with the Greenbelt Plan (2017)**
- **conforms to the Niagara Region Official Plan; and**
- **conforms to City of Thorold Official Plans.**

The two-part zoning approach balances:

- **the Planning Act's protection for legal non-conforming uses (Sections 34 (9) and 45 (2);**
- **the long-term conformity objectives of the Provincial Policy Statement, OMAFRA Publication 851 , the Greenbelt Plan, the Niagara Region Official Plan, and the City of Thorold Official Plans**

The transition will result in:

- **a net reduction in land use impacts**

- **reinforcement of agricultural viability in the area;**

- **creation of a clear path to value-added agricultural uses consistent with Specialty Crop policies; and**

- **use of the Holding (H) Provision to tie future uses to the cessation of racing and satisfaction of site plan, servicing, traffic, and environmental conditions .**

SECTION 10 CONCLUSION AND RECOMMENDATION

This Planning Justification Report has demonstrated that:

- **recognition of the long-standing legal, not confirming, speedway and ancillary uses through a site-specific Zoning By-law Amendment, and**

- **provision for structured transition to value-added agricultural and rural commercial uses,**

are consistent with and implement the objectives, policies, and development criteria of:

1. **The Provincial Policy Statement (2024)**

2. **The Greenbelt Plan (2017)**

3. **The Niagara Region Official Plan (2022); and**

4. **The City of Thorold Official Plan and Zoning By-law 60-2019.**

The amendment provides municipal clarity and transparency, while respecting existing legal rights. The transition to value – added agricultural uses achieve, long-term conformity with provincial agricultural policies, including PPS Section 2.3 and OMAFRA Publication 851 objectives.

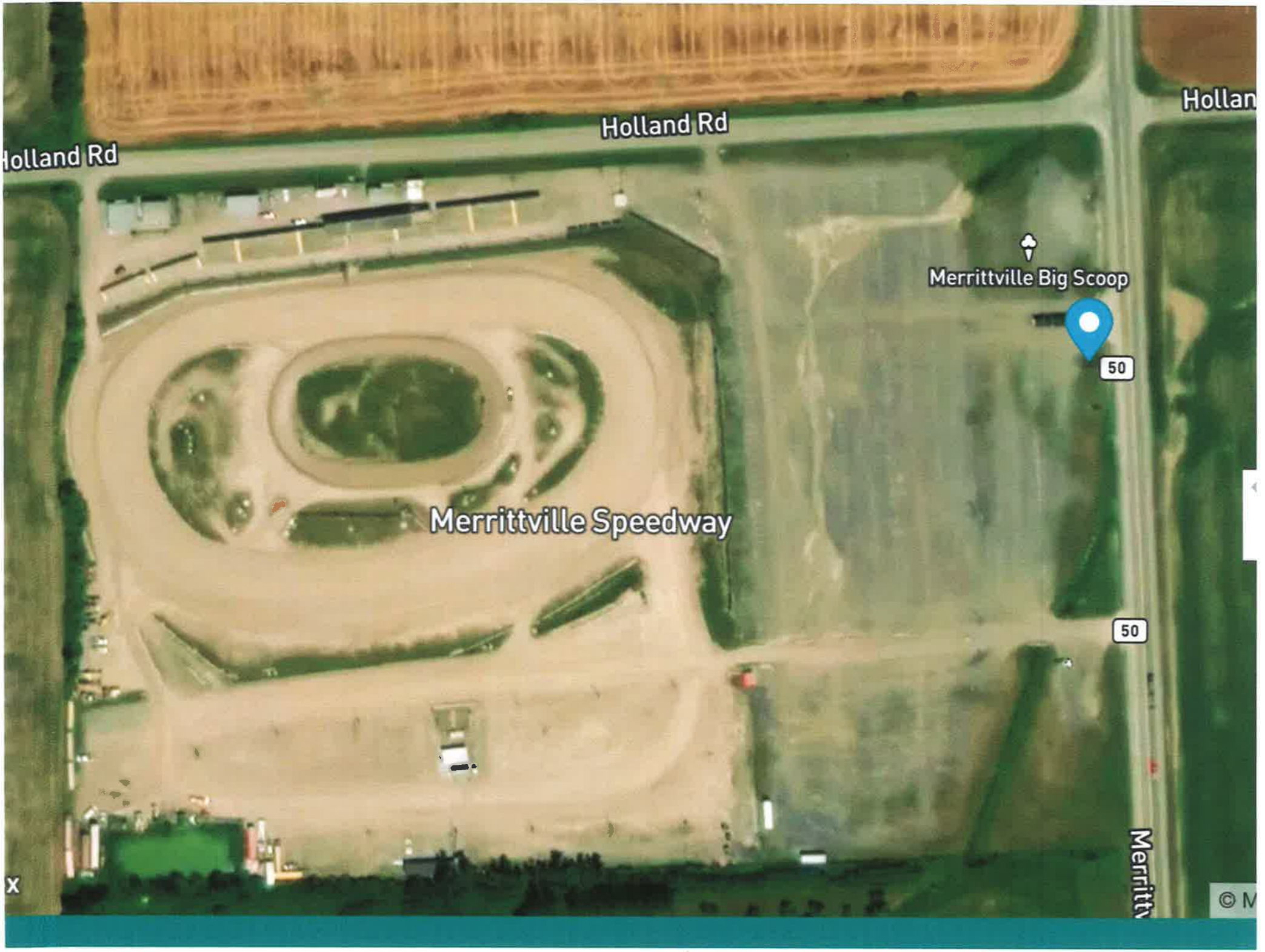
The two-part zoning strategy provides a long-term solution for the sustainability of the site. It represents good planning, supports the economy, and improves compatibility with the surrounding agricultural and rural community.

Accordingly, this Planning Justification Report supports approval of the proposed site-specific Zoning By-law Amendment and providing, including the associated Holding (H) Provision and Site Plan control framework.

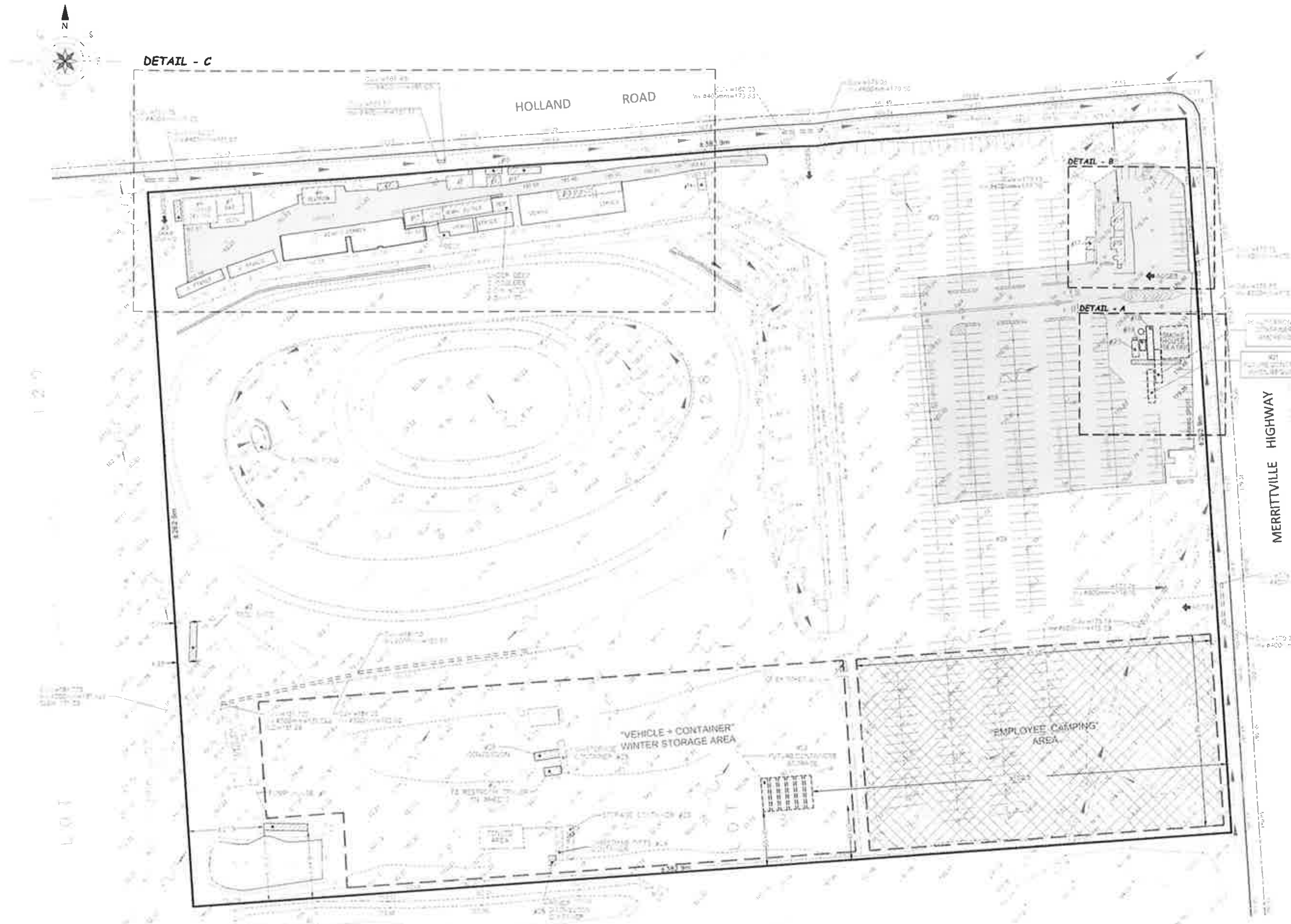
Prepared and submitted
by
Greg Hynde
Urban Environments

ATTACHMENTS

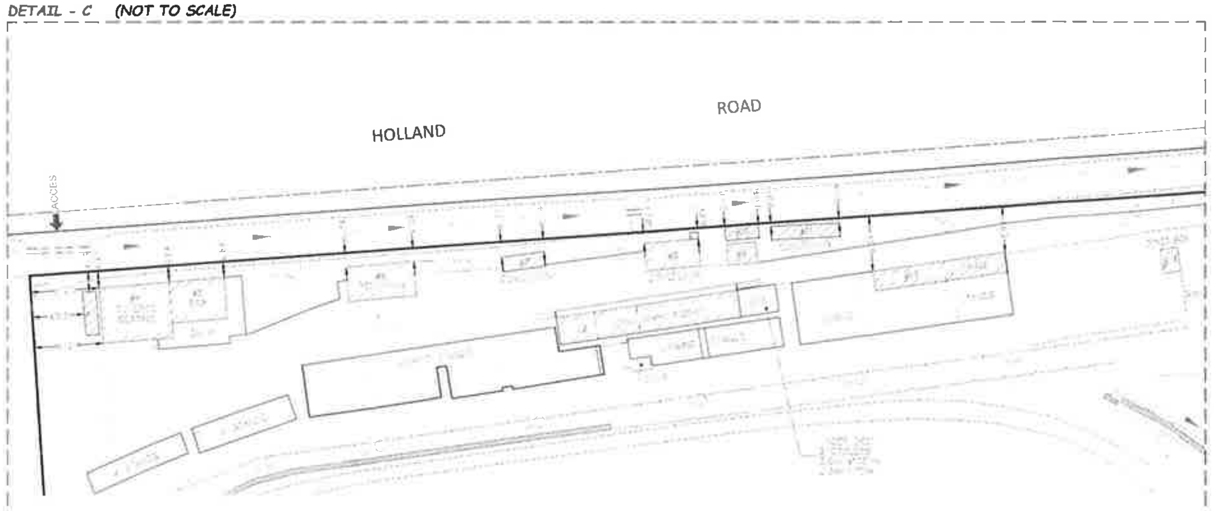
A) AERIAL MAPPING


Holland Rd
Holland Rd
Hollan
Merrittville Big Scoop
50
Merrittville Speedway
50
Merritt
© M

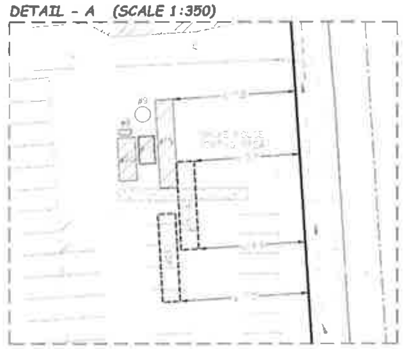
B) SITE PLAN



DETAIL - C (NOT TO SCALE)



DETAIL - A (SCALE 1:350)



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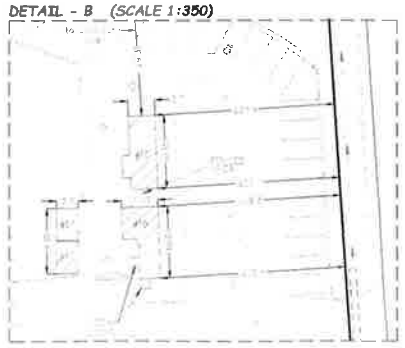

SITE BUILDINGS LEGEND

#1) EXISTING CONTAINER 41.8 sq.m (16.1m x 3m)
#2) EXISTING CONTAINER 37.7 sq.m (14.5m x 2.6m)
#3) EXISTING CONTAINER 37.7 sq.m (14.5m x 2.6m)
#4) EXISTING BUILDING 124.4 sq.m (12.6m x 9.9m)
#5) EXISTING BUILDING 72.4 sq.m (7.3m x 9.9m)
#6) EXISTING BUILDING 74.5 sq.m (18.8m x 9.5m)
#7) EXISTING T1 LICENSED TRAILERON WHEELS 19.75sq.m (7.6m x 2.6m)
#8) EXISTING BUILDING (CONCESSION) 47.6 sq.m (9.7m x 4.9m)
#9) EXISTING ELECTRICAL SHED 19.3 sq.m (9.7m x 4.9m)
#10) EXISTING WATER PUMP SHED 14.7 sq.m (6.05m x 2.4 m)
#11) EXISTING STORAGE (CONCESSION) 29.6 sq.m (12.2m x 2.4 m)
#12) EXISTING BUILDING 159.3 sq.m (32.6m x 4.9 m)
#13) EXISTING BUILDING 84.1 sq.m (23.9m x 3.5 m)
#14) EXISTING TICKET BOX 13.2 sq.m (4.3m x 3.1 m)
#15) EXISTING CONTAINER BIG SCOOP ICE CREAM 40.9 sq.m
#16) EXISTING STRUCTURE WOOD FIRED PIZZA 39.9 sq.m
#17) T2 BATHROOM TRAILER M&F ON WHEELS 27.5 sq.m
#18) EXISTING CONTAINER SMOKE HOUSE 29.6 sq.m (12.2m x 2.4m)
~~#18-A) RELOCATION CONTAINER SMOKE HOUSE (#18) [illegible] 29.6 sq.m~~
#19) EXISTING CONTAINER STORAGE 8.25 sq.m (3.8m x 2.2m)
#20) EXISTING STORAGE 14.5 sq.m (6.0m x 2.4m)
#21) PROPOSED FUTURE CONTAINER WHEN REQUIRED (#18) 23.59 sq.m
#22) PROPOSED n 6 FUTURE CONTAINERS FOR STORAGE 29.6 sq.m (12.2m x 2.4m)
#23) EXISTING CONTAINER STORAGE 29.6 sq.m (12.2m x 2.4m)
#24) EXISTING CONTAINER CHRISTMAS GIFTS 29.3 sq.m (12.2m x 2.4m)
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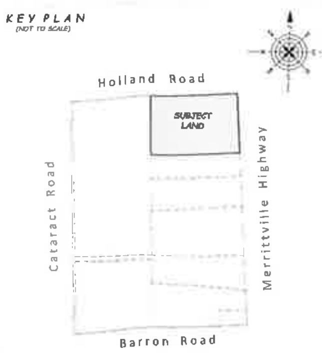
#27) T3 BATHROOM TRAILER M&F ON WHEELS 18.4 sq.m (6.1m x 3.0m)
#28) EXISTING CONTAINER POWER DISTRIBUTION 9.0 sq.m (3.7m x 2.4m)
#29) EXISTING PARKING AREA – 1000 SPACES (4.1 ha)

SITE GRADING PLAN

NOTE: THIS SITE PLAN IS NOT A PLAN OF SURVEY

KEY PLAN (NOT TO SCALE)



SCALE 1:750

0 5 10 25 50 75

DESCRIPTION - LOT GRADING PLAN

ADDRESS: 2371 Merrittville highway, Fonthill, (ON) L0S 1E6
OWNER: MERRITTVILLE SPEEDWAY ENTERTAINMENT INC
BUILDING PLANS: None

LEGEND & NOTES

PIN	DENOTES PROPERTY IDENTIFIER NUMBER
BP	DENOTES BELL PEDESTAL
CL	DENOTES CENTRELINE
UP	DENOTES UTILITY POLE
OUL	DENOTES OVERHEAD UTILITY HYDRO LINE
HM	DENOTES HYDRO METER
GM	DENOTES GAS METER
WV	DENOTES WATER VALVE
FH	DENOTES FIRE HYDRANT
HP	DENOTES HIGHEST POINT
AC	DENOTES AIR CONDITIONER
CS	DENOTES CURB STOP WATER KEY
MH	DENOTES MANHOLE
CLF	DENOTES CHAIN LINK FENCE
PED	DENOTES COMMUNICATION PEDESTAL
Ø	DENOTES DIAMETER
[illegible]	DENOTES EXISTING GROUND ELEVATION
[illegible]	DENOTES ELEVATION OF CURB
[illegible]	DENOTES ELEVATION OF GUTTER
[illegible]	DENOTES ELEVATION OF ASPHALT
[illegible]	DENOTES ELEVATION OF RETAINING WALL
[illegible]	DENOTES ELEVATION OF DITCH
FFE	DENOTES FINISHED FLOOR ELEVATION
GFE	DENOTES GARAGE FLOOR ELEVATION
TOF	DENOTES TOP OF FOUNDATION
[illegible]	DENOTES FINISHED GRADE
[illegible]	DENOTES PROPOSED FINISHED GRADE
	DENOTES DOWNSPOUT
	DENOTES PROPOSED SURFACE RUN-OFF
	DENOTES EXISTING DRAINAGE DIRECTION
—T—	DENOTES EXISTING TRAFFIC BARRIER
—G—	DENOTES EXISTING GUARD RAIL
	DENOTES CONIFEROUS TREE
	DENOTES DECIDUOUS TREE
	N-NORTH, S-SOUTH, W-WEST, E-EAST

1) DISTANCES AND ELEVATIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048
2) DISTANCES SHOWN ON THIS PLAN ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING THE COMBINED SCALE FACTOR OF 0.999816
3) BOUNDARY INFORMATION HAS BEEN DERIVED FROM AVAILABLE RECORDS AND OR FIELD MEASUREMENTS. THIS IS NOT A PLAN OF SURVEY
4) ELEVATIONS ARE OF GEODEDIC ORIGIN (CGVD-1928 78). DERIVED FROM GNSS USING THE TOP-NET VRS NETWORK AND ARE REFERRED TO THE CENTRAL MERIDIAN OF UTM ZONE 17 (81 WEST LONGITUDE) NAD 83 (CSRS) (2010)

Proposed Grading Certificate

I HEREBY CERTIFY THAT THE PROPOSED GRADING WILL BE COMPATIBLE WITH ADJACENT LANDS AND THAT ALL SURFACE DRAINAGE ORIGINALLY FLOWING THROUGH, ONTO OR OVER THIS SITE IS BEING ACCOMMODATED AND THAT THIS LOT WILL DRAIN SATISFACTORILY TO THE PRESENT EXISTING GRADES OF ADJACENT PROPERTIES

Signature ____________ Date ______

Firm: [illegible]

Accepted by ____________ Date ______

As Constructed Grading Certificate

[illegible] WITH RESPECT TO THE FINAL GRADING AND DO HEREBY CERTIFY THAT THE BUILDING CONSTRUCTED AND GRADING OF THE LOT IS IN CONFORMITY WITH THE PREVIOUS SUBMISSION FOR A BUILDING PERMIT. I FURTHER CERTIFY THAT THIS LOT WILL DRAIN SATISFACTORILY AND SUCH GRADING HAS NOT ADVERSELY AFFECTED [illegible]

Signature ____________ Date ______

Firm: [illegible]

Accepted by ____________ Date ______

PROPOSED ELEVATIONS

FINISHED FLOOR	TOP OF FOOTING
TOP OF FOUNDATION	FINISHED GARAGE FLOOR

No.	REVISION	DATE
1)	INITIAL SUBMISSION	MAY 05 2025
2)	INTEGRATIONS	AUG 18 2025
3)	INTEGRATIONS	NOV 22 2025

LAND USE SHEDULE		
TOTAL LOT AREA	[illegible]	(100 %)
TOTAL EX. BUILDING AREA	[illegible]	[illegible]
TOTAL EX. CONTAINER + SHEDS AREAS	[illegible]	[illegible]
TOTAL CONTAINER AREAS PROPOSED	207.2 sq.m ±	(0.21 %)
TOTAL LANDSCAPED AREA [illegible]	[illegible]	[illegible]
TOTAL LANDSCAPED AREA [illegible]	[illegible]	[illegible]
POND	[illegible]	(0.65 %)

CAUTION

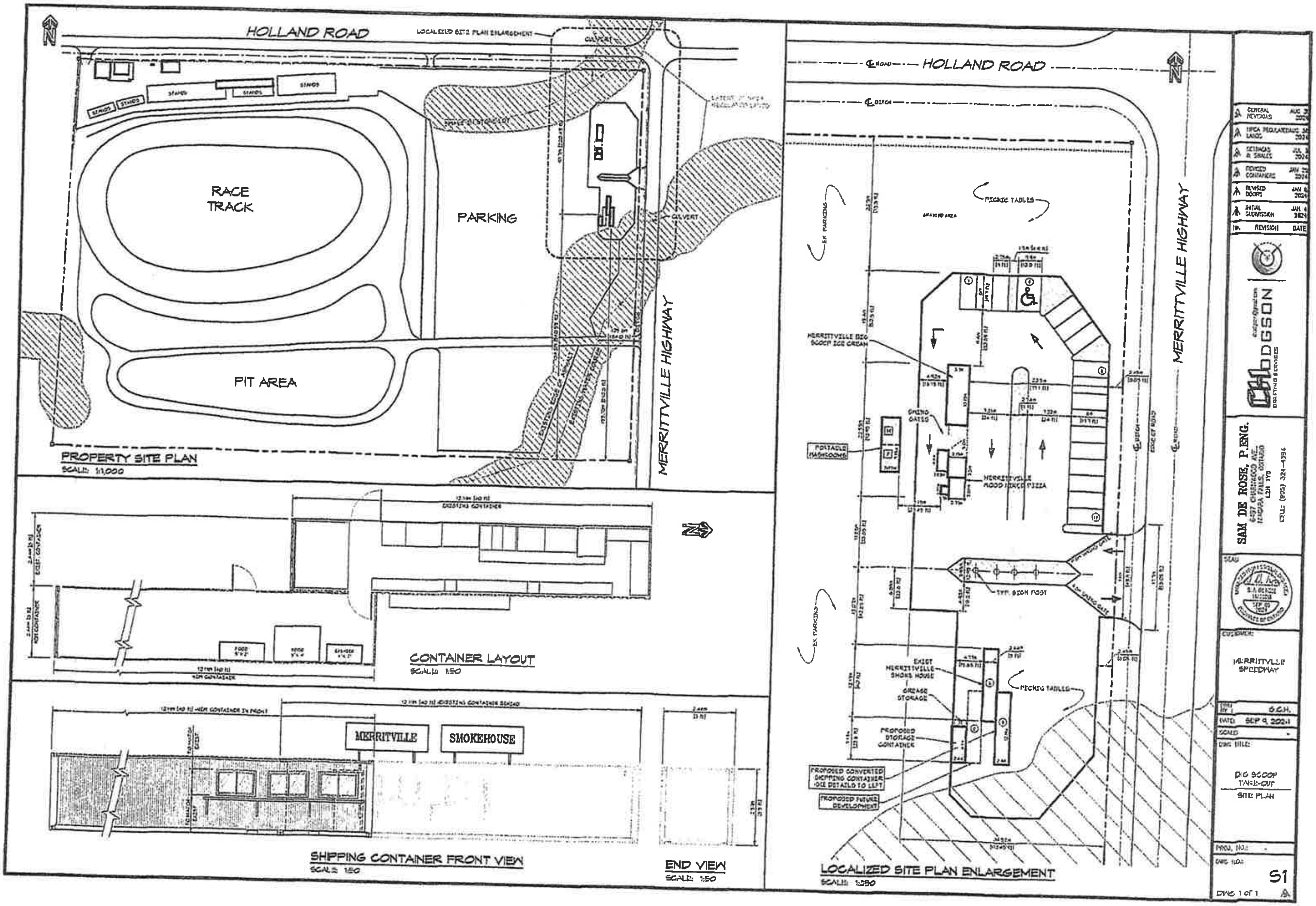
- THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK
- THIS SITE PLAN IS PROTECTED BY COPYRIGHT C

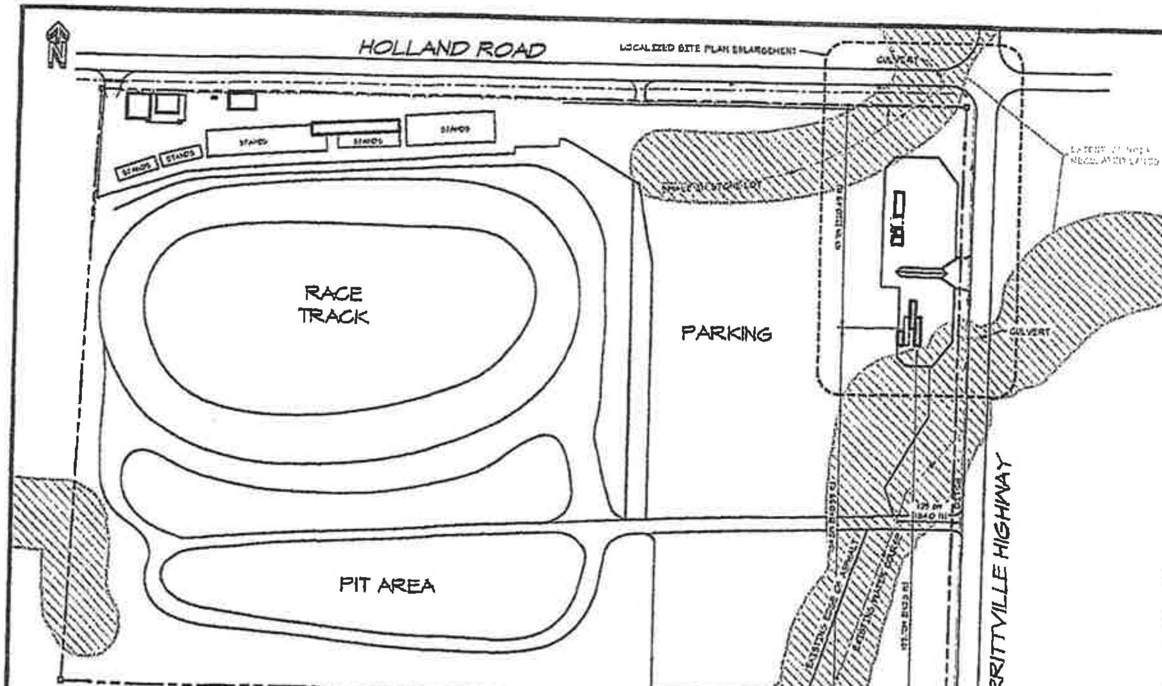
SALVATORE A (SAM) DE ROSE, P. Eng.
CONSULTING ENGINEER

SEAL

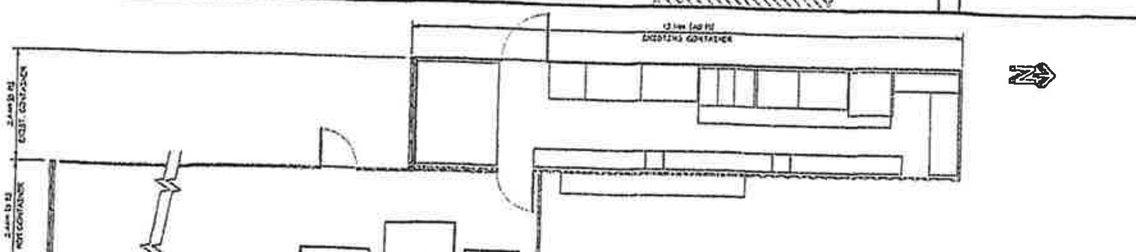
Topos

REF. No: 24-001-15	CHECKED BY: SDR	DRAFTED BY: AC	DATED: OCT. 28 2024

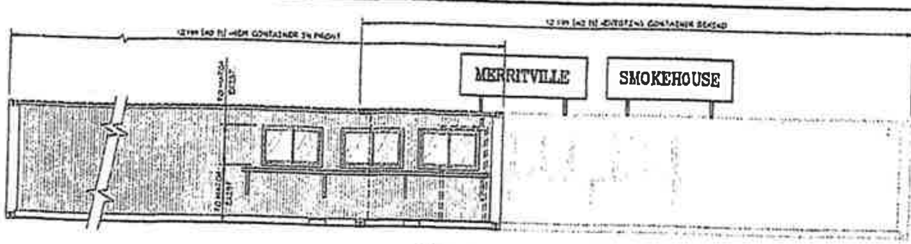

HOLLAND ROAD
LOCALIZED SITE PLAN ENLARGEMENT
CULVERT
RACE TRACK
PARKING
PIT AREA
MERRITTVILLE HIGHWAY
STANDS
PROPERTY SITE PLAN
SCALE: 1:1,000
CONTAINER LAYOUT
SCALE: 1:50
MERRITVILLE
SMOKEHOUSE
SHIPPING CONTAINER FRONT VIEW
SCALE: 1:50
END VIEW
SCALE: 1:50
PICNIC TABLES
EX. PARKING
MERRITTVILLE BIG SCOOP ICE CREAM
SWING GATES
PORTABLE WASHROOMS
MERRITTVILLE WOOD FIRED PIZZA
TYP. SIGN POST
EXIST. MERRITTVILLE SMOKE HOUSE
GREASE STORAGE
PROPOSED STORAGE CONTAINER
PROPOSED CONVERTED SHIPPING CONTAINER (SEE DETAILS TO LEFT)
PROPOSED FUTURE DEVELOPMENT
LOCALIZED SITE PLAN ENLARGEMENT
SCALE: 1:250
GENERAL REVISIONS
NPCA REGULATIONS
REVISED CONTAINERS
REVISED DOORS
INITIAL SUBMISSION
REVISION
DATE
CH HODGSON
DRAFTING SERVICES
SAM DE ROSE, P.ENG.
CUSTOMER:
MERRITTVILLE SPEEDWAY
DATE: SEP 9, 2024
DWG TITLE:
BIG SCOOP TAKE-OUT SITE PLAN
S1
DWG 1 of 1



PROPERTY SITE PLAN
SCALE: 1:1,000

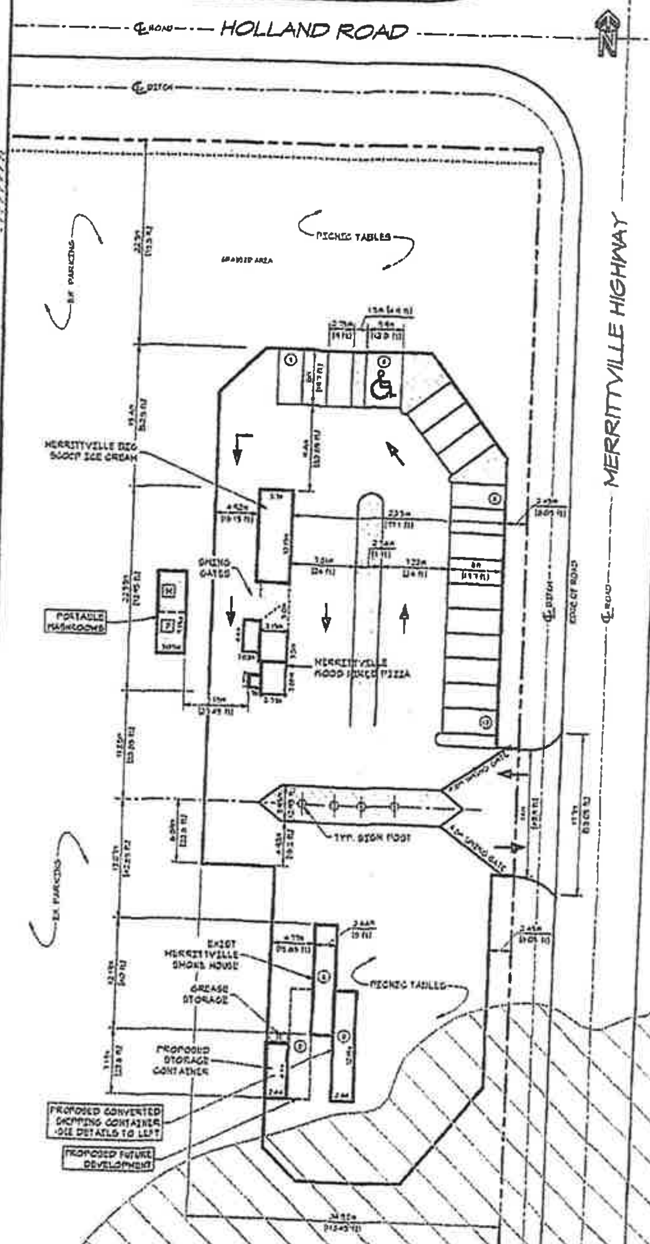


CONTAINER LAYOUT
SCALE: 1:50



SHIPPING CONTAINER FRONT VIEW
SCALE: 1:50

END VIEW
SCALE: 1:50



LOCALIZED SITE PLAN ENLARGEMENT
SCALE: 1:250

No.	REVISION	DATE
6	GENERAL REVISIONS	AUG 21 2024
5	NPCA REGULATED LANDS	AUG 30 2024
4	SETBACKS & SWALES	JUL 3 2024
3	REVISED CONTAINERS	JAN 29 2024
2	REVISED DOORS	JAN 8 2024
1	INITIAL SUBMISSION	JAN 4 2024

CH HODGSON
DRAFTING SERVICES

SAM DE ROSE, P.ENG.
6437 CHERRYWOOD AVE.
NIAGARA FALLS, ONTARIO
L2H 1Y8
CELL: (905) 321-4394

SEAL

CUSTOMER:
MERRITVILLE SPEEDWAY

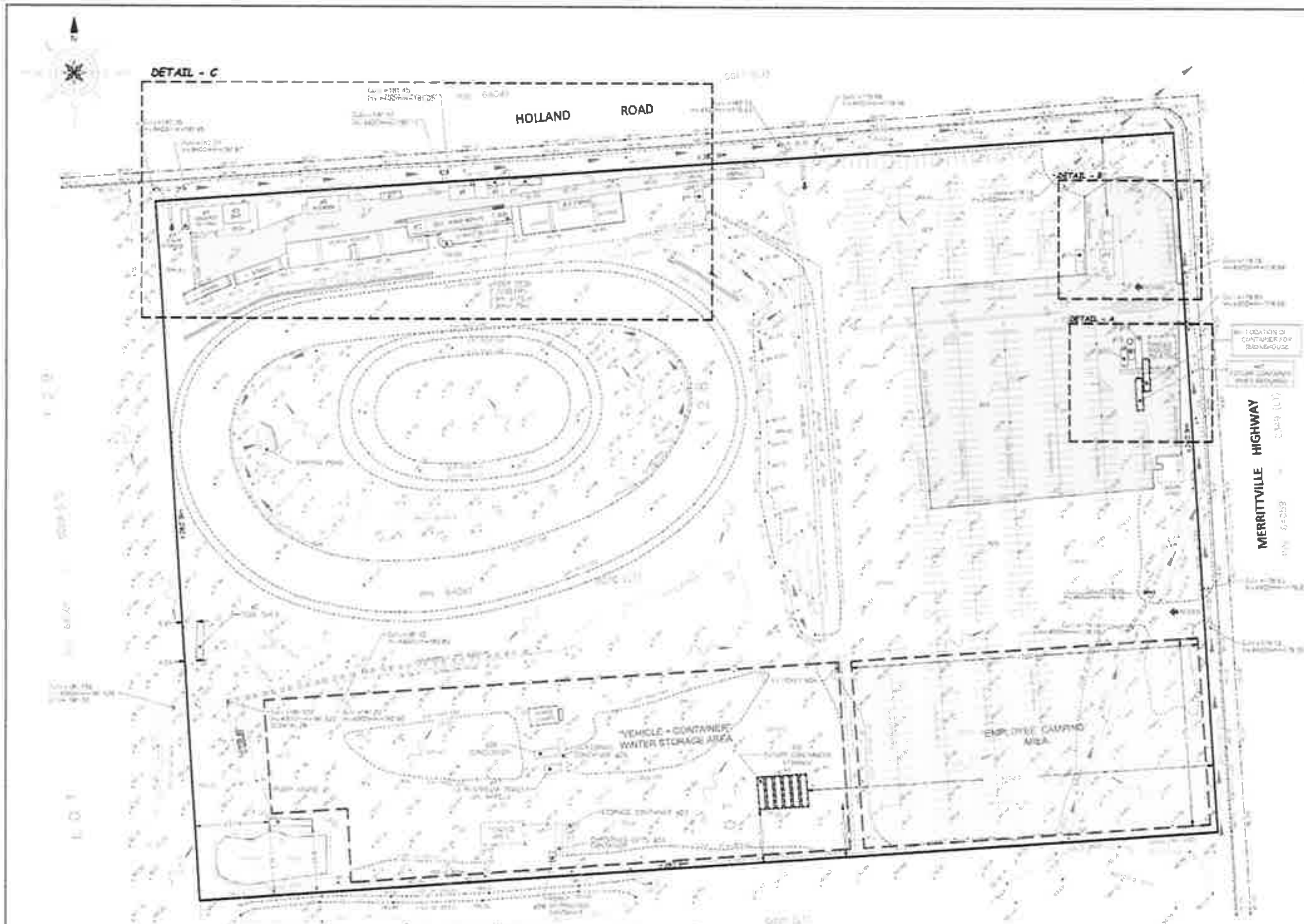
DWN BY: G.C.H.
DATE: SEP 9, 2024
SCALE: -
DWG TITLE:
BIG SCOOP TAKE-OUT
SITE PLAN

PROJ. NO.: -
DWG NO.: S1
DWG 1 of 1

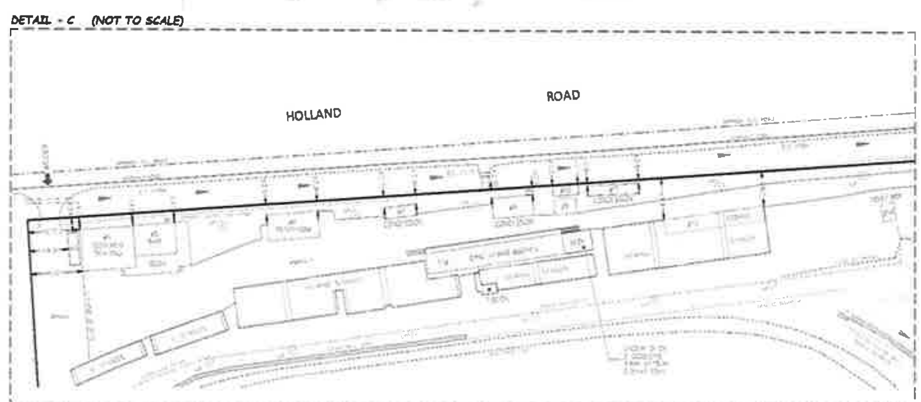
C) SURVEY AND GROUND ELEVATIONS

SITE GRADING PLAN

NOTE: THIS SITE PLAN IS NOT A PLAN OF SURVEY



DETAIL - C (NOT TO SCALE)



SITE BUILDINGS LEGEND

#1) EXISTING CONTAINER 41.8 sq.m (18.1m x 3m)
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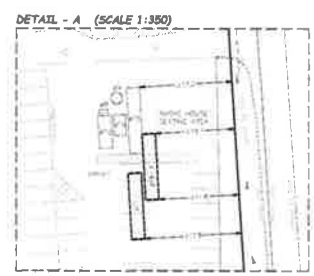
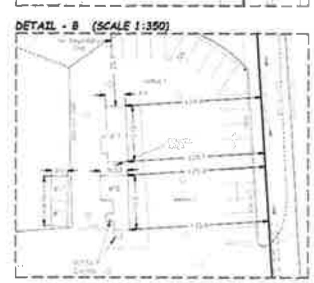
#29) EXISTING PARKING AREA – 1000 SPACES (4.1 ha)

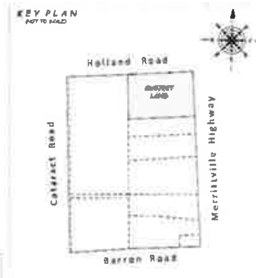
DETAIL - A (SCALE 1:350)



DETAIL - B (SCALE 1:350)



KEY PLAN



SCALE 1:750

0 5 10 25 50 75

DESCRIPTION - LOT GRADING PLAN

ADDRESS: 2371 Merrittville highway, Fonthill (ON) L0S 1E0

LEGEND & NOTES

CAUTION

THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK

SALVATORE A (SAM) DE ROSE, P. Eng.
CONSULTING ENGINEER

Topos

SEAL

REF. No: 24-005-18	CHECKED BY: SDR	DRAFTED BY: AC	DATED: OCT 28 2024

D) PROPOSED ZONING BY-LAW AMENDMENT

THE CORPORATION OF THE CITY OF THOROLD

BY—LAW NO

A BY—LAW TO AMEND COMPREHENSIVE ZONING BY—LAW NO 60 (2019) , AS AMENDED , FOR THE LANDS ADDRESSED AS 2371 MERRITTVILLE HIGHWAY

WHEREAS the Owner of the property has requested to amend the City's Comprehensive Zoning By—law No. 60 (2019) as amended ,for the lands described as Part Lot 138, in the City of Thorold, Regional Municipality of Niagara, (municipally addressed as 2371 Merrittville Highway); and,

WHEREAS a Public Meeting pursuant to Section 34 (12) of the Planning Act R.S.O. 1990,c.P.13 was held on XXXXXXX, 2025; and,

WHEREAS Council has deemed it desirable to amend the Comprehensive Zoning By—law No. 60 (2019), as amended , pursuant to Report No. DS XX-2025 approved at the Council meeting of XXXXXXXXX XX. 2025;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the City of Thorold enacts as follows:

1. **That Schedule'A' attached forms part of this By-law**

2. **That Schedule "A15" of By—law No. 60 (2019), as amended, is further amended by changing the zoning of the lands described above and shown on the attached Schedule "A" as follows:**

    a. **From Specialty Crop (AS) to Agriculture Commercial Site Specific Exception**

a. From Specialty Crop (AS) to Agriculture Commercial Site Specific Exception

3. That Comprehensive Zoning By—law No. 60 (2019) as amended, is further amended by adding to Section 13.1 "Site Specific Exceptions, Holding (H) Provisions, and Temporary Uses" the following exception:

Site Specific Exception	Zone	Location	By—law
xx	AS	2371 Merrittville Highway	xx-2025

In addition to the permitted uses of the AS Zone, the land described as Agriculture Commercial—Site Specific Exception shall not be less than 9.9 hectares in size and may be used for a speedway use and and accessory uses subject to the following special provisions.

Part 1 (Existing Uses)

1. The use of lands and buildings for Specialty Crop and Speedway use purposes and ancillary uses, buildings, and structures;

2. For the purposes of this AS Zone, a Speedway Use shall be defined to include as its principle use auto racing, motorcycle racing and other forms of vehicle racing; and shall include uses related to the principle use as defined below;

   i. Accessory and Ancillary to the Speedway Use shall include administrative offices, customer viewing areas, speedway driver facilities, patron parking, a driver overnight camping area, washroom facilities, and utility buildings and structures accessory to the Speedway Use above;

   ii. Small scale, outdoor food and beverage structures as depicted on an approved site plan;

iii. A confined and concealed outdoor storage area as depicted on an approved site plan;

iv. Up to 2 Community Events per calendar year lasting no more than 3 calendar days, subject to 14–days notice being provided to the City.

v. Limited additional, small scale one – day events may be permitted, at the discretion of the City, subject to 14-days notice being provided to the City.

3. The Zone provisions of the AS zone and the general provisions of By-law 60 (2019) shall be completed for all new buildings, structures and uses as depicted on the approved Site Plan. All existing buildings, structures, and uses established on the date of passage of this amending By-law, where deficient from the provisions of the"AS" zone, shall be deemed to comply and establish minimum yard and setback provisions for that specific building, structure or use.

Part 2 . Future Uses — with Holding Provision

4. Upon the ceasing of the principle Speedway Use, if or when that were to occur, all other permitted uses of the AS zone and its regulations shall apply (plus agricultural value added uses; such as but not limited to a winery, a distillery, a garden centre, farm to table hospitality uses (food, and beverage) county fairs and specials events and agriculture related storage uses) once the site has been determined by a qualified person to comply with Parts 15.1 and 15.2 of the Ontario Environmental Protection Act and it's Change of Use provisions, as amended, from time to time, should the change of use be a more sensitive as defined by the Act.The agriculture value added uses will be the subject of a Holding provision pursuant to the Planning Act.

5. Lands identified as Agriculture Commercial Site Specific Exception zone on Schedule "A", attached hereto , shall not be used, nor any building or structure used ,or structure used, altered or erected until the the holding (H) symbol is removed. pursuant to the provisions of the Planning Act, as amended,

providing that a Site Plan Agreement based on future justification studies/reports has been entered into, to the satisfaction of the City of Thorold.

6. That this by-law shall come into force and effects on the XX day of XXXXXXXXX, 2025

READ A FIRST SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS DAY OF

_____ **MAYOR**

_____ **CLERK**

E) PRE CONSULTATION MINUTES

RECORD OF PRE-CONSULTATION MEETING - REVISED

Development Services
8 Carleton Street South, P.O. Box 1044
Thorold, ON L2V 5C2
905-227-6613

22 October 2025

Property Address: 2371 Merrittville Highway

As of May 1st, 2025 the process for Pre-Consultation has changed where applicants submitting for a Pre-Consultation will receive their Pre-Consultation Comments Package with an option to attend an upcoming Pre-Consultation Meeting if they wish to discuss the comments received; after which a revised Comments Package will be provided. Meetings are held virtually on the first Thursday and third Wednesday of each month (attendance is not required unless requested by the applicant).

Applicant: Don Spiece

Agent/consultant: Greg Hynde - Urban Environments

Application type(s): Zoning By-law Amendment

Meeting Date: September 19, 2025

Brief description of proposed development: To review the Motorsport operation including ancillary uses, and special events, that have taken place on the 9.9 ha site over the last 70 years creating a legal non-conforming use entertainment facility, and prepare a zoning by-law to legalize these uses. To include in this by-law recreation and value added agricultural uses that may benefit the community at large. These uses may include but not limited to: auto & motorcycle racing, demolition derbies, food and beverage operations, recreation uses such as overnight camping, sporting events commercial garden centres, zoos, special events, weddings, concerts, fairs, carnivals, drive-in theatres, distilleries, wineries, dry industrial uses, (i.e. warehouses), mini storage units. To prepare regulations to establish appropriate locations for buildings and minimize impact of the proposed uses on and off site.

City of Thorold Planning Department Comments:

Regional Policy Plan Designation: Specialty Crop Area

City of Thorold Official Plan Designation: Prime Agricultural

City of Thorold Zoning: Specialty Crop - AS

City of Thorold Planning Comments:

- As outlined in your letter, we understand these to be the established uses of the site – which will be brought into compliance with the Part 1 application:

  - Auto & Motorcycle Racing
  - Demolition Derbies
  - Bicycle Racing
  - Ancillary Uses such as:
    - Administrative Offices
    - Food and Beverage Services
    - Overnight Camping
    - Sporting and Some Special Events
- Staff are requesting additional information as to when these uses occurred on the site to determine their non-conforming status. (Frequency, Scale and Date of Commencement and Conclusion, for each use).
  - Staff will review this additional information and provide direction on the required studies to recognize the existing uses to make a complete application.
- For the following proposed **additional** uses, additional justification through the PPS, Niagara Regional Official Plan, and City of Thorold Official Plan will be required in Part 2 of the application:
  - Garden Centres
  - Wineries
  - Distilleries
  - Fairs
  - Additional Special Events
  - Outside Storage
  - Warehousing
    - It is recognized by the agent that these future uses are intended to be replacement uses for the speedway operation, to ensure continued economic viability of the site.
- After this additional information is provided, staff will provide a list of all necessary studies/reports for a complete application(s) in Part 2.
- These comments are preliminary and do not presuppose a position by Planning staff. If you have any questions about the comments above, please contact the Planning department.

City of Thorold Planning Comments: REVISED

- City staff met with Greg Hynde on September 19th, 2025 to discuss the Pre-Consultation Comments Package originally provided on September 9th, 2025.
- A Zoning By-law Amendment would be required to legalize the current Speedway and associated ancillary uses before proceeding to introduce new uses.
- The first part of the Zoning would require that the lands be placed into a Holding (H) Zone, which would require that the applicant enter into a Site Plan agreement with the City to recognize the existing uses on the site.
- City staff confirmed that a subsequent Zoning By-law Amendment to change the primary use from a speedway and introduce new uses would not require a new application. However, this second part will be subject to any applicable fees in the fee schedule By-law in effect on the date the subsequent request is received.

- Any modification to the site will require a subsequent Site Plan application to amend the original Site Plan that is required through the first part of this Zoning By-law Amendment application.
- The second part of the application will be subject to the applicable regulations/policies that are in place at the time of the request.
- Greg provided the City a draft By-law for review that would introduce the Speedway and associated uses as the primary use. Staff reviewed and revised the draft By-law, attached for reference.

City of Thorold Engineering Department Comments:

- No comment.

City of Thorold Building Department Comments:

- The proposal seeks to legalize numerous existing uses and introduce new uses, including assembly, industrial, mercantile, and residential uses. Each building on the site must be individually classified according to its specific major occupancy as defined in OBC Division B, Article 3.1.2.
- Separate building permits will be required for any new construction, demolition, addition, or material alteration to any building on the property.
- Change of use of an existing building (e.g., converting a storage shed to a mercantile use like a garden centre) is defined as a "material change of use" under the OBC. This requires a building permit and will trigger a code compliance review, potentially requiring significant upgrades to the existing structure to meet current OBC standards for the new use.

City of Thorold Public Works Department Comments:

- Included in Region Comments.

City of Thorold Fire & Emergency Services Department Comments:

- No comments.

City of Thorold Community Services Department Comments:

- No comment.

NPCA Comments:

- Based on the current NPCA mapping, the subject property contains two NPCA regulated watercourses (with an associated 15-meter buffer area) along the northeast and southeast of the subject property.
- The NPCA will require the following:

  - The site plan to include an overlay of the NPCA regulated watercourse and associated buffer areas to verify the area of works in relation to the NPCA regulated limit
  - The NPCA will require confirmation for how the southern camping area will be positioned in relation to the NPCA regulated watercourse
  - It would be recommended by the NPCA for the watercourse to remain in a natural state. For any proposed encroachment into the watercourse buffer area (15-meters from the top of bank), a Technical Memo prepared by a qualified professional would be required that recommends an appropriate buffer width and to ensure there are no impacts to the watercourse.
  - As such, the NPCA will require greater details to if there are any proposed works or other interference within the NPCA regulated limit being proposed.
  - Following the NPCAs submission of the updated site plan, and proposed use/works in relation to the NPCA regulated limit, the NPCA will be able to review and may have additional questions and requirements to address.
- All proposed works/development including intensifications of use within an NPCA regulated area will require NPCA prior review, approval, with the possibility of Permits prior to the start of works.
- The NPCA will require a circulation of a review fee prior to the ZBA submission. As per the current fee schedule 'A' (attached), a *Zoning By-Law Amendment (Minor),* fee would be a total of $1695.00.

MTO Comments:

- No comments.

Cogeco Comments:

- No comments.

Enbridge Comments:

- Enbridge Gas does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions.
- Please continue to forward all municipal circulations and clearance letter requests electronically to MunicipalPlanning@Enbridge.com.

Hydro One Comments:

- No concerns at this time.

Region of Niagara Comments:

- See detailed comments attached

City of Thorold Submission requirements:

Required Order of Subsequent Submissions:

1. Zoning By-law Amendment

Fees required at time of Submission of the Application:

Application	City of Thorold	Region of Niagara	NPCA
Regional Policy Plan Amendment			
Local Official Plan Amendment			
Zoning By-law Amendment	$26,746 **or** $20,684*	$1,485	Zoning By-Law Amendment (Minor) $1695
Plan of subdivision			
Plan of Condominium			
Site Plan Control			
Stormwater Management Review Fee			
Environmental Impact Study Review			
EIS Terms of Reference Review			
Grading & Drainage Review			
NPCA Work Permit			
Consent & Minor Variances			
Other:			
TOTAL	$26,746 **or** $20,684*	$1,485	$1695

*Pre-Consultation fees paid shall be deducted from an application fee if the application reflects the same development reviewed through the pre-consultation process.
**Regional fees can be found at the following link:
https://www.niagararegion.ca/business/fpr/forms_fees.aspx
**NPCA fees can be found at the following link:
https://npca.ca/services/permits

Notes on Fees:

- Notwithstanding the fees noted above, all fees are payable based upon the rate in the fee schedule by-law in effect on the date the application is received. The most up to date fees can be found here: https://www.thorold.ca/en/city-hall/planning-fees.aspx
- Further fees may be required at a later date as per the fee schedule by-law.
- Separate cheques shall be made payable to the appropriate agency.

Reports/Studies Required:

Required Information and Studies to be submitted with the Application(s). Studies identified with an asterisk* will likely require a peer review at the cost of the developer. **Please ensure all digital copies are provided as an Accessible Document.**

	Reports, Studies, Plans **1 digital and 1 paper copy of each** (See Notes for additional details)	**Notes**
	Agricultural Impact Assessment	
	Air Quality/Noise & Vibration Study*	
	Archaeology Assessment	
	Building Elevations	
	Cost estimates of site works	
	Cultural Heritage Impact Assessment*	
	Draft Local Official Plan Amendment	
	Draft Regional Policy Plan Amendment	
	Draft Zoning By-law Amendment	
	Environmental Impact Study	
	Environmental Planning Study/ Sub-Watershed Study	
X*	Environmental Site Assessment (Stage 1-2)	Phase One Environmental Site Assessment (at minimum) if overnight camping continues to be proposed
	Farm Operation and Ownership	
	Financial Impact Assessment	
	Floodplain and Hazard Lands Boundary Plan	
	Functional Servicing Report	
	Gas Well Study/Gas Migration Study	
	Geotechnical	
	Grading and Servicing Plans	
	Market Impact Study	
	Mineral Aggregate Resources	
	Minimum Distance Separation I & II	
	Municipal Servicing Study	
X*	Noise Impact Brief	If overnight camping continues to be proposed
	Noise & Vibration Study	
	Parcel Register	
	Photometric Plan (Only if exterior lighting proposed)	
	Planning Justification Report	
X*	Record of Site Condition	If overnight camping continues to be proposed
	Sensitive Land Use Report	

	Site Plan (Including OBC Matrix and Zoning By-Law Matrix)	
	Slope Stability Report	
	Soil report	
X*	Stormwater Management Brief	Required at future Site Plan
	Transportation Impact Study/Parking Impact Analysis	
	Tree Inventory Preservation Plan	
	Urban Design/Landscape Plans	
X*	Other: Road Widening / Daylight Triangle	Required at future Site Plan

Application Withdrawal information:

- Prior to circulation – 75% refund
- After circulation – 50% refund
- After planning report prepared – 0% refund

Notes:

1. The purpose of this document is to identify the information required to commence processing and evaluating an application as set out in the Planning Act.

2. Pre-consultation does not imply or suggest any decision whatsoever on behalf of staff or the City to either support or refuse the application.

3. The applicant should be aware that the information provided is accurate as of the date of the pre-consultation meeting. Should an application not be submitted in the near future, and should other policies, by-laws or procedures be approved by the Province, City, Region or other agencies prior to the submission of a formal application, the applicant will be subject to any new policies, by-laws or procedures that are in effect at the time of the submission of a formal application.

4. This Record of Pre-Consultation only applies to the proposal as described and/or as provided for in the concept plan, and shall be valid for one year from the date of the Pre-Submission Consultation Meeting.

5. If an application is not submitted within 1 year, the applicant shall confirm with the City the directives of the original pre-consultation meeting. An additional pre-consultation meeting will be required.

6. Any application submitted without the information identified in this Pre-consultation Document will be deemed incomplete and not processed. Alternately, staff may recommend refusal of the application based upon insufficient information to properly evaluate the application.

7. The applicant acknowledges that the City and Region considers the application forms and all supporting materials including studies and drawings, filed with any application to be public information and to form part of the public record. With the filing of an application, the applicant consents and hereby confirms that the consent of the authors of all supporting reports have been obtained, to permit the City and Region to release the application and any supporting materials either for its own use in processing the application, or at the request of a third party, without further notification to, or permission from, the applicant.

8. It is hereby understood that during the review of the application additional studies or information may be required as a result of issues arising during the processing of the application or the review of the submitted studies.

9. If the City or Region does not have sufficient expertise to review and determine that a study is acceptable, the City may require a peer review. The cost of the peer review shall be paid for by the applicant. The Terms of Reference for a peer review is determined by the City or Region.

10. Some studies may require NPCA review and clearance/approval. In this instance, the NPCA review fee shall be paid by the applicant.

11. All plans and statistics must be submitted in metric.

F) PLANNING JUSTIFICATION BRIEF - SECTION 45 (2) OPA
SMOKE HOUSE ADDITION

PLANNING JUSTIFICATION BRIEF

EXPANSION OF EXISTING NON-CONFORMING USE (SMOKE HOUSE)

MERRITTVILLE SPEEDWAY

2571 MERRITTVILLE HIGHWAY ,

PREPARED BY
URBAN ENVIRONMENTS
JULY 2024

TABLE OF CONTENTS

INTRODUCTION

Background

Urban Environments has been retained by Merrittville Speedway Entertainment Inc. (Don Spiece) the owner to prepare a minor variance application for the expansion of a food service operation located in the eastern portion of the site known as Merrittville Speedway.

The minor variance application is required because the expansion involves a legal non-conforming use which the total Merrittville Speedway operation including the ancillary food service is treated in the existing land use documents .

The Planning Act provides a mechanism to consider the expansion of legal non conforming uses.

The property located at the southwest corner of Merrittville Highway on Holland Road is 9.93 hectares in size and has been occupied by Merrittville Speedway (stock car racing track) and all its ancillary uses such as administration offices, food and beverage service operations, pit area for the racing operation , playground for children , campground for trailers for the overnight stays for the drivers, pit crew and families.

The Speedway has operated as a legal non conforming use for over 73 years. In recent years the owner has tried to consolidate the food and beverage operation to the eastern portion of the 9.93 ha site away from the dirt track and make it more available to the general public.

An expansion to one of the food service operations (smoke house) to improve the efficiency of the operation by separating the preparation and the servicing areas will necessitate a minor variance application pursuant to Section 45 (2) (a) (i) of the Planning Act which deals with expansion to legal non-conforming uses.

A pre-consultation meeting was held on April 4, 2024, with a City of Thorold, Region of Niagara and the owners representative in attendance. The following information was requested in the support of the minor variance application:

a) Planning Justification Brief providing the planning rationale for the expansion
b) An updated site plan showing the expansion with setbacks to boundary lines
c) A recognition that a signed site plan application will be required in the future after the Committee of Adjustment decision
d) An agreement by the Region of Niagara, City of Thorold and the owner to pursue a process to legalize the speedway use under a separate application

SITE LOCATION AND SURROUNDING LAND USE

The subject property is basically flat and enjoys frontage on both Merrittville Highway and Holland Road. It drains to roadside ditches along Merrittville and Holland roadways with a natural intermittent creek in the south / east corner, which drains the lands in the south to the ditch along Merrittville Highway and then under the highway to farm land to the east.

The site is located in the south / west corner of Merrittville Highway and Holland Road and is occupied by a dirt track for racing a "pit area" and a grandstand for spectators and numerous ancillary buildings in support of the entertainment facility that occupies the site.

The surrounding land uses are:

North — Vacant / farmland
East — Vacant / farmland
West — Vacant
South — Rural Residential , farm operation

3. PROPOSAL

The proposed development involves the addition of two containers (attached) to one container that accommodates the "Smokehouse" food service operation located in the south east portion of the 9.93 ha site.

The "Smoke House" operation is situated among other food service operations (ice cream outlet) and ancillary uses (children play area , camping area) . The addition to the Smokehouse is to improve the efficiency of the operation by separating the preparation area from the serving area.

Each container measures 2.44 m x 12.19 m and is 2.59 m in height . Eventually all three containers will be joined with the middle container containing the prep area and the two wings accommodating the serving area. Seating is located outside in the front of the buildings and a portable washroom trailer is located in the rear yard. (See Site Plan attached.)

The existing Smokehouse container was granted permission to operate in 2021 by a minor variance.

4. SERVICING

The total site of 9.9 ha is serviced by drilled wells on site with sewage disposal by holding tanks, which are emptied on regular basis. The specific restaurant use expansion is serviced by a trailer, providing washroom facilities, hydro and propane also services the site.

5. LAND USE POLICY & REGULATION FRAMEWORK

Provincial Policy Statement PPS — Prime Agricultural Area — Specialty Crop Area
Provincial Growth Plan —Prime Agricultural Area— Specialty Crop Area
Greenbelt Plan —Protected Countryside —Niagara Peninsula Tender Fruit & Grape Area
Niagara Official Plan (NOP) — Specialty Crop Area

City of Thorold Official Plan Designation : Specialty Crop

City of Thorold Zoning Designation: AS — Specialty Crop (Legal non-conforming use)

The City of Thorold Official Plan in concert with the Provincial Policy Statement (PPS) the Provincial Growth Plan, the Greenbelt Plan and the Niagara Official 0lan provides policies and zoning (City of Thorold) to protect the subject lands for long term use for agricultural.

Permitted uses within these designated lands include
1) agricultural uses ,
2) agricultural related uses and
3) on-farm diversified uses

All policy and zoning documents do not permit the Merrittville Speedway and Entertainment uses. Based on research and aerial imagery, the race track appears to have existed since at least the 1950s and predates the agricultural policies of the Province, the Region and the City.

Based on the legal conforming status of the existing land use a minor variance application pursuant to Section 45 (2) (a) (i) of the Planning Act has been prepared for approval. This section of the Planning Act states

> ***(2) in addition to its powers under subsection (1) the committee, upon any such application***
> ***(a) Where any land, building or structure, on the day of the by-law was passed, was l lawfully used for a purpose, prohibited by the by-law, may permit,***
>
> ***(i) The enlargement, or extension of the building or structure, if they use that was made of the building structure on the day the by-law was passed or use permitted under sub clause (ii) continued until the date of the application to the committee, but no permission may be given to enlarge or extend the building or structure beyond the limits of the land owned and used in connection therewith on the day the by-law was passed or***

6. APPLICATION PURSUANT TO SECTION 45 (2) (a) (i) PLANNING ACT

There has been several court cases on how the appropriate section of the Planning Act should be applied to legal non-conforming uses, these cases have established a number of concrete principles that constitute essential protections for property owners making application for expansion

- ***Property owners have a right to reasonable flexibility, evolution, and expansion of legally non-conforming/noncomplying uses land, building and structures, provided the evolution or expansion does not cause undue adverse impacts on the surrounding neighbourhood.***
- ***Applications to reconstruct and expand a legally non-conforming/noncomplying building should be evaluated under section 45 (2) of the Planning Act as opposed to section 45 (1);***
- ***The test for an application for permission to expand under section 45(2) is***
  a) whether the application will result in undo adverse impacts on this surrounding properties and neighbourhood ;
- ***When applying the test under section 45 (2), only the proposed expansion may be evaluated for undue adverse impacts;***
- ***The intent and purpose of the official plan is not a relevant consideration when applying the test under section 45 (2); and***
- ***In order to refuse the application, undue adverse impacts of the proposed expansion must be demonstrated by objective evidence and must be sufficient to override the owners right to reasonable flexibility, evolution, and expansion.***

7. CONCLUSION

The subject, minor various application to add two containers (joined) to the existing smokehouse container (existing legal non confirming) in the food service area at the east end of the speedway property is appropriate and minor.

Both containers are the same size 2.4 m x 12.19 m. The new containers will increase the efficiency of the smokehouse by separating the food preparation from the serving area. All three containers will be joined and function as one commercial. operation.

The evolution of the smokehouse and subsequent request for the expansion does not cause undue adverse impacts on the surrounding neighbourhood — it increases the efficiency of the existing legal non-conforming use (the smokehouse).

The expansion is desirable for the appropriate development of the subject property which is a major "test" for an application for permission to expand. When applying the test under section 45 (2) only the proposed expansion may be evaluated for undue impacts.

Although the Official Plan designates the lands for agricultural purposes, the courts have ruled that intent and purpose of the official plan is not a relevant consideration when applying the test under Section 45 (2) for expansion to legal non conforming uses

Based on the above evaluation, the minor variance application is appropriate for the desirable expansion to the existing restaurant use.

Prepared by
Greg Hynde
Urban Environments