

Report No.
PD-62-2026
File No.
Meeting Date:
September 21, 2026
Attachment
Appendix "A": Proposed Interim Control By-law

Directed to: Mayor Joe Preston and Members of City Council

Department: Planning & Building Services

Authored By: Michelle Knieriem, Manager of Planning Services

Subject: Proposed Interim Control By-law – Data centres, enterprise computing facilities and similar high-intensity digital processing facilities

Recommendation:

THAT: Report PD-62-2026 relating to Proposed Interim Control By-law – Data centres, enterprise computing facilities and similar high-intensity digital processing facilities be received for information.

Background:

At its meeting of September 14, 2026, Council considered report CMO-67-26 and directed staff to undertake a study of data centres, enterprise computing facilities, and similar high-intensity digital processing facilities within designated employment and industrial areas, and to undertake a study to review Official Plan policies and Zoning By-law regulations to identify measures that could mitigate potential impacts related to noise, vibration, emissions, infrastructure and land use compatibility. Council directed staff to prepare an Interim Control By-law for inclusion on September 21, 2026, agenda to provide more time for such a detailed study.

Interim Control By-laws are a tool under Section 38 of the *Planning Act* where Council can pass a by-law to prohibit the use of a land, building or structure for (or except for) the purposes specified in the by-law for up to 1 year (can be extended for a total of up to 2 years) to allow time for a review or study to be undertaken with respect to land use policies or in a defined area.

An Interim Control By-law has been prepared based on this direction and is attached as Appendix "A" and included on the agenda for consideration at this Council meeting. The proposed Interim Control By-law would prohibit the use of any land, building or structure in the Interim Control Area for the purposes of a "Computer, electronic or data processing centre", until the By-law expired on September 21, 2027 (unless extended in accordance with the *Planning Act*). Other existing permitted uses on the lands subject to the Interim Control By-law would continue to be permitted.

"Computer, electronic or data processing centre" is a term that currently exists in City of St. Thomas Zoning By-law 50-88 and, while not defined, could possibly be applied to a data centre, enterprise computing facility, or similar high-intensity digital processing facility. The proposed Interim Control By-law includes a definition for "Computer, electronic or data processing centre" to encompass data centre, enterprise computing facility, and high-intensity digital processing facilities, and also clarifies that it would not apply to a public authority use.

The Interim Control Area is proposed to include lands designated Business Employment or Employment Lands in the City of St. Thomas Official Plan. The Business Employment Zone and Employment Lands Zone typically correspond to these Official Plan designations. Computer, electronic and data processing centres are currently permitted in the Business Employment Zone, so this Interim Control By-law would remove that permitted use for the period of time specified in the Interim Control By-law. While not permitted as-of-right in the Employment Lands Zone, these uses may be permitted by way of Zoning By-law Amendments in similar zones in other municipalities. Staff anticipate that consideration of a "Computer, electronic or data processing centre" use in any other Official Plan designation would require an Official Plan Amendment and would likely not be supportable due to compatibility concerns.

Staff note that after an Interim Control By-law expires, Council may not pass a further Interim

Control By-law that applies to any lands for which the original Interim Control By-law applied for a period of 3 years. As such, it is beneficial to limit the lands subject to an Interim Control By-law to allow flexibility in the event this tool is required in the future. As such, it is recommended that the Interim Control By-law be limited to lands designated as Employment Lands and Business Employment.

Strategic Priority:

Strategic Pillar: Excellence in All We Do - Priority #2: Thoughtful, Strategic, and Sustainable Community Growth

Strategic Pillar: Excellence in All We Do - Priority #3: Thriving Economic Development

Financial Impact:

This report and corresponding Interim Control By-law were prepared based on the direction provided by Council at its September 14, 2026 meeting. The financial impact is detailed in Report CMO-67-26, as considered at that meeting.

Report Approval:

This report has been reviewed and approved by: Director of Planning and Building Services.

All reports are reviewed and approved by the City Manager.

Appendix “A”: Proposed Interim Control By-law

CITY OF ST. THOMAS

BY-LAW NO. _____

A By-law to Enact an Interim Control By-law to prohibit the use of land, buildings or structures for the purpose of new data centres, enterprise computing facilities and similar high-intensity digital processing facilities, of the Corporation of the City of St. Thomas under Section 38 of the Planning Act, R.S.O. 1990, c. P. 13, as amended.

WHEREAS Section 38 of the Planning Act, R.S.O. 1990, c. P. 13, as amended, authorizes the Council of a municipality to pass an Interim Control By-law where the Council has directed that a review or study be undertaken in respect to land use planning policies in the municipality, or in any defined area or areas thereof;

AND WHEREAS the Council of the Corporation of the City of St. Thomas received a report from the City Manager’s Office dated September 14, 2026, which was reviewed and approved by the Manager of Planning Services, Director of Planning and Building Services, CEO of the Economic Development Corporation; and Executive Director of Industrial Development;

AND WHEREAS municipalities have an obligation to ensure that emerging forms of development occur in a manner that protects public infrastructure, sustainability, land use compatibility and long-term fiscal responsibility;

AND WHEREAS the Province of Ontario has not established a comprehensive planning or regulatory framework specific to artificial intelligence data centres and other largescale digital infrastructure facilities;

AND WHEREAS on September 14, 2026, the Council of the Corporation of the City of St. Thomas passed a resolution directing that a study be undertaken of data centres, enterprise computing facilities and similar high-intensity digital processing facilities within designated employment and industrial areas;

AND WHEREAS on September 14, 2026, the Council of the Corporation of the City of St. Thomas passed a resolution directing a study to review the Official Plan policies and Zoning By-law regulations to identify measures that could mitigate potential impacts including but not limited to noise, vibration, emissions, infrastructure, and land use compatibility for data centres, enterprise computing facilities and similar high-intensity digital processing facilities;

AND WHEREAS Council has deemed it necessary and expedient to pass this Interim Control by-law to provide the City with time to undertake the study referenced above;

NOW THEREFORE the Council of the Corporation of the City of St. Thomas, pursuant to its authority under Sections 38 of the *Planning Act*, enacts as follows:

1. In this By-law:

“City” means the Corporation of the City of St. Thomas

“Council” means the Council of the Corporation of the City of St. Thomas

“Computer, electronic or data processing centre” means a networked computer server facility primarily used for the remote storage, processing and distribution of data, and can include data centres, enterprise computing facilities and high-intensity digital processing facilities, and excluding a public authority use.

“Interim Control Area” means those lands designated Business Employment or Employment Lands in the City of St. Thomas Official Plan.

2. The provisions of this By-law shall only apply to the Interim Control Area.
3. Notwithstanding any By-law to the contrary, no person shall, within the Interim Control Area use any land, building or structure including any expansion or addition to an existing use, building or structure, for the purpose of a Computer, electronic or data processing centre, except for a Computer, electronic or data processing centre that lawfully existed on the date of the passage of this By-law as long as it continues to be used for such purpose.
4. Notwithstanding this By-law, any other use permitted in the Business Employment or Employment Zones other than a new Computer, Electronic or Data Processing Centre on the lands subject to this By-law would continue to be permitted.

- 5. If any provision or requirement of this By-law or the application thereof to any person shall to any extent be held to be invalid or unenforceable, the remainder of this By-law or the application of such provision or requirement to all persons other than those to which it is held to be invalid or unenforceable, shall not be affected thereby, and each provision and requirement of this By-law shall be separately valid and enforceable to the fullest extend permitted law.
- 6. This By-law shall come into force and effect immediately upon its passing by Council and shall be in effect until 11:59 p.m. on September 21, 2027, unless otherwise extended in accordance with the provisions of the Planning Act, R.S.O., 1990, c.P.13, as amended.

READ a First and Second time this 21st day of September 2026.
READ a Third time and Finally passed this 21st day of September 2026.

Thomas Thayer, City Clerk

Joe Preston, Mayor