

CITY OF ST. THOMAS

BY-LAW NO. 129-2026

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 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 extent 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