VILLAGE OF INDIANTOWN
AGENDA
REGULAR VILLAGE COUNCIL MEETING

November 5, 2026
7:30 PM
15516 SW Osceola Street
Indiantown, Florida 34956

VILLAGE COUNCIL
PHYLLIS WATERS BROWN, MAYOR
CHRISTA MILEY, VICE MAYOR
VERNESTINE WILLIAMS-PALMER, COUNCILMEMBER
ANTHONY DOWLING, COUNCILMEMBER
JANET HERNANDEZ, COUNCILMEMBER

ADMINISTRATION
MICHAEL GIARDINO, INTERIM VILLAGE MANAGER
JANETTE M SMITH, VILLAGE ATTORNEY
LARHONDA MCBRIDE, VILLAGE CLERK

Civility: Being "civil" is not a restraint on the First Amendment right to speak out, but it is more than just being polite. Civility is stating your opinions and beliefs, without degrading someone else in the process. Civility requires a person to respect other people's opinions and beliefs even if he or she strongly disagrees. It is finding a common ground for dialogue with others. It is being patient, graceful, and having a strong character. That's why we say "Character Counts" in Indiantown. Civility is practiced at all Village meetings.

Special Needs: If anyone attending this meeting requires a reasonable accommodation, please contact LaRhonda McBride, Village Clerk, by telephone at (772) 597-9900 or by email at lmcbride@indiantownfl.gov at least 48 hours in advance.

Quasi-Judicial Hearings: Some of the matters on the Agenda may be "quasi-judicial" in nature. Village Council Members are required to disclose all ex-parte communications regarding these items and are subject to voir dire by any affected party regarding those communications. All witnesses testifying will be "sworn" prior to their testimony.

Appeal of Decision: If a person decides to appeal any decision made by the Village Council with respect to any matter considered at this meeting, he or she will need a record of the proceeding, and for that purpose, may need to ensure that a verbatim record of the proceeding is made, which record includes any testimony and evidence upon which the appeal will be based.

1. CALL TO ORDER

2. **ROLL CALL**

3. **INVOCATION**

4. **PLEDGE OF ALLEGIANCE**

5. **COMMENTS BY VILLAGE COUNCIL MEMBERS**

6. **COMMENTS BY VILLAGE MANAGER**

7. **APPROVAL OF AGENDA**

8. **FIRST READING ORDINANCE**

   8.1 AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF INDIANTOWN, FLORIDA, ESTABLISHING A TEMPORARY MORATORIUM, WITHIN THE VILLAGE, ON THE ACCEPTANCE, REVIEW, PROCESSING, AND APPROVAL OF DEVELOPMENT APPLICATIONS FOR, AND ON THE COMMENCEMENT OR CONSTRUCTION OF, LARGE-SCALE DATA CENTER PROJECTS; PROVIDING FOR LEGISLATIVE INTENT; PROVIDING DEFINITIONS; PROVIDING FOR EXEMPTIONS; RECOGNIZING AND RATIFYING THE INITIATION OF THE MORATORIUM PROCESS BY VILLAGE COUNCIL VOTE; Â DIRECTING A STAFF STUDY; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR A 365-DAY DURATION; PROVIDING FOR PROCEDURES RELATED TO VESTED RIGHTS AND JUDICIAL REVIEW; PROVIDING FOR NONCODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.
   Approve the proposed ordinance on first reading; and direct staff to properly advertise to hold the second public hearing to consider the adoption of the proposed ordinance during the Village Meeting on November 19th at 6:00 PM or soon thereafter.

9. **DISCUSSION ITEMS**

10. **ANNOUNCEMENTS**

11. **NEXT REGULAR MEETING (ANNOUNCE TIME, DATE AND LOCATION)**

12. **ADJOURNMENT**

VILLAGE OF INDIANTOWN, FLORIDA
AGENDA MEMORANDUM

MEETING DATE:	November 5, 2026
MEETING TYPE:	Regular Village Council Meeting
AGENDA ITEM TITLE:	AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF INDIANTOWN, FLORIDA, ESTABLISHING A TEMPORARY MORATORIUM, WITHIN THE VILLAGE, ON THE ACCEPTANCE, REVIEW, PROCESSING, AND APPROVAL OF DEVELOPMENT APPLICATIONS FOR, AND ON THE COMMENCEMENT OR CONSTRUCTION OF, LARGE-SCALE DATA CENTER PROJECTS; PROVIDING FOR LEGISLATIVE INTENT; PROVIDING DEFINITIONS; PROVIDING FOR EXEMPTIONS; RECOGNIZING AND RATIFYING THE INITIATION OF THE MORATORIUM PROCESS BY VILLAGE COUNCIL VOTE; DIRECTING A STAFF STUDY; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR A 365-DAY DURATION; PROVIDING FOR PROCEDURES RELATED TO VESTED RIGHTS AND JUDICIAL REVIEW; PROVIDING FOR NONCODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.
SUMMARY OF ITEM:	Establishing a one-year temporary moratorium on acceptance, review, process or approval of development applications for large-scale data centers.
FISCAL IMAPCT STATEMENT:	Fiscal Impacts for this ordinance include legal review and costs associated with advertising.
RECOMMENDATION:	Approve the proposed ordinance on first reading; and direct staff to properly advertise to hold the second public hearing to consider the adoption of the proposed ordinance during the Village Meeting on November 19th at 6:00 PM or soon thereafter.
PREPARED BY:	LaRhonda McBride DATE:

ATTACHMENTS:
Description
Indiantown_Data_Center_Moratorium.doc
AD_PROOF_NOV_5_MEETING.pdf

VILLAGE OF INDIANTOWN, FLORIDA
ORDINANCE NO. XX-2026

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF INDIANTOWN, FLORIDA, ESTABLISHING A TEMPORARY MORATORIUM, WITHIN THE VILLAGE, ON THE ACCEPTANCE, REVIEW, PROCESSING, AND APPROVAL OF DEVELOPMENT APPLICATIONS FOR, AND ON THE COMMENCEMENT OR CONSTRUCTION OF, LARGE-SCALE DATA CENTER PROJECTS; PROVIDING FOR LEGISLATIVE INTENT; PROVIDING DEFINITIONS; PROVIDING FOR EXEMPTIONS; RECOGNIZING AND RATIFYING THE INITIATION OF THE MORATORIUM PROCESS BY VILLAGE COUNCIL VOTE; DIRECTING A STAFF STUDY; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR A 365-DAY DURATION; PROVIDING FOR PROCEDURES RELATED TO VESTED RIGHTS AND JUDICIAL REVIEW; PROVIDING FOR NONCODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, Article VIII, section 2(b) of the Florida Constitution and section 166.021, Florida Statutes, grant municipalities broad home-rule authority to conduct municipal government, perform municipal functions, render municipal services, and exercise powers for municipal purposes except as otherwise provided by law; and

WHEREAS, section 163.3202, Florida Statutes, requires each municipality to adopt or amend and enforce land development regulations that are consistent with and implement its adopted comprehensive plan; and

WHEREAS, in November 2020, the Village Council of the Village of Indiantown (the "Village") adopted Ordinance No. 07-2020 adopting the Village's Land Development Regulations (the "LDRs"); and

WHEREAS, the LDRs identify "Computer and Data Processing" as an industrial use in the Village's permitted-use schedule, but do not presently establish comprehensive definitions or development standards specifically addressing large-scale data centers based on electrical load, campus scale, water demand, cooling technology, backup generation, fuel storage, or other operational characteristics; and

WHEREAS, section 12-8 of the LDRs requires Village Council approval, after a public hearing, of major site plans and classifies industrial development of more than 100,000 square feet as major development; and

WHEREAS, on September 10, 2026, the Village Council voted to direct the Village Manager, Village Attorney, and staff to promptly prepare and process a moratorium ordinance concerning Large-Scale Data Center Projects and Large Load Customers (the "Council Moratorium Direction"), and directed a study of the land-use, infrastructure, utility, water, public-safety, compatibility, and other impacts associated with such facilities; and

WHEREAS, the Council Moratorium Direction placed property owners, applicants, prospective purchasers, developers, and other interested persons on public notice that the temporary moratorium ordinance was actively pending and that any application submitted after September 10, 2026, was submitted with notice of the pending ordinance and could be affected by the ordinance ultimately adopted, to the fullest extent permitted by Florida law; and

WHEREAS, during the 2026 Legislative Session, the Florida Legislature enacted Chapter 2026-65, Laws of Florida (Senate Bill 484), relating to data centers and large load customers; and

WHEREAS, section 163.326, Florida Statutes, created by Chapter 2026-65, recognizes that facilities with substantial electric or other utility demands, including data centers and other large load customers, may present unique planning, infrastructure, and compatibility considerations, including infrastructure capacity, land-use compatibility, environmental impacts, and the efficient provision of public facilities and services; and

WHEREAS, section 163.326, Florida Statutes, further provides that local governments shall maintain the authority to exercise the powers and responsibilities for comprehensive planning and land development regulation granted by law with respect to large load customers; and

WHEREAS, Chapter 2026-65 also created or amended state-law provisions governing large load tariffs and service requirements, the definition of a "large-scale data center," consumptive-use permitting, reclaimed-water considerations, water conservation planning, and related matters; and

WHEREAS, section 373.203(4), Florida Statutes, defines a "large-scale data center" by reference to a single location with a data center on site having an anticipated monthly peak load of 50 megawatts or more, calculated as the highest average load over a 15-minute interval; and

WHEREAS, Chapter 2026-65 directs the Office of Program Policy Analysis and Government Accountability ("OPPAGA") to contract for an independent interdisciplinary study of policy considerations relating to construction and operation of large-scale data centers, including economic and tax impacts; use of land, water, and natural resources; energy use and related cost and rate impacts;

public health and safety; issues unique to large-scale data centers in Florida; and recommendations concerning facility siting and mitigation measures, with the study due by July 1, 2027; and

WHEREAS, the Village Council finds that large-scale data centers may present land-use and infrastructure issues materially different in kind or degree from conventional computer and data-processing uses, including extraordinary electrical demand; transmission and substation needs; water and cooling requirements; wastewater and reclaimed-water demand; backup generation and fuel storage; noise; lighting; stormwater; fire and emergency-response requirements; construction traffic; building and campus scale; compatibility with nearby uses; and fiscal and economic impacts; and

WHEREAS, the Village Council finds that the Village should have a reasonable, defined period in which to evaluate these issues, coordinate with electric utility, water, wastewater, emergency-response, transportation, and other affected agencies and providers, receive public input, review best practices and technical information, consider the OPPAGA study when available, and determine whether permanent amendments to the Comprehensive Plan or LDRs should thereafter be proposed; and

WHEREAS, in order to promote effective development regulation of Large-Scale Data Center Projects, which are among the large load customers addressed by Chapter 2026-65, Laws of Florida, the Village Council wishes to preserve the status quo while researching, studying, and analyzing the potential impact of Large-Scale Data Center Projects upon adjacent uses, the surrounding area, the environment, surrounding property values, demand for Village services, and other aspects of the general welfare; and

WHEREAS, temporary moratoria are recognized as legitimate land-use planning tools when reasonably related to preserving the status quo while a local government studies and formulates appropriate development regulations. *See WCI Communities, Inc. v. City of Coral Springs*, 885 So. 2d 912 (Fla. 4th DCA 2004); *Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency,* 535 U.S. 302 (2002); and

WHEREAS, Florida law also recognizes that, when a zoning or land development regulation change is actively and formally in progress, an applicant's knowledge of the pending change may affect whether the applicant may rely upon continuation of existing regulations or establish vested rights. *See Smith v. City of Clearwater,* 383 So. 2d 681 (Fla. 2d DCA 1980); and

WHEREAS, the Village Council intends this Ordinance to be a temporary, stand-alone planning measure and not a permanent amendment to the Village Comprehensive Plan or LDRs; and

WHEREAS, Section 28 of Chapter 2025-190, Laws of Florida (Senate Bill 180), contains restrictions applicable to Martin County and municipalities within Martin County, including a prohibition, until October 1, 2027, on proposing or adopting more restrictive or burdensome amendments to comprehensive plans or land development regulations, or more restrictive or burdensome procedures concerning the review, approval, or issuance of a site plan, development permit, or development order, and a prohibition on moratoria on the construction, reconstruction, or redevelopment of property damaged by Hurricane Debby, Hurricane Helene, or Hurricane Milton; and

WHEREAS, the Village does not believe that the provisions of Chapter 2025-190, Laws of Florida, apply to this Ordinance because, among other things, (1) the later-enacted and more specific Chapter 2026-65 and section 163.326,

Florida Statutes, permit the Village to use otherwise lawful planning tools, including a temporary moratorium, for large-scale data centers and large load customers; (2) Section 28 is unenforceable against the Village to the extent it violates the unfunded-mandate requirements of Article VII, section 18(a) of the Florida Constitution, including the absence of the required legislative determination of an important state interest; (3) section 163.3211, Florida Statutes, causes Chapter 163 to control over conflicting land-development law; (4) Chapter 2025-190 is subject to challenge under the single-subject and title requirements of Article III, section 6 of the Florida Constitution; and (5) Section 28's classification of affected municipalities is subject to challenge under Article III, section 11(b) of the Florida Constitution; and

WHEREAS, without conceding the validity or applicability of Chapter 2025-190, as a policy decision, the Village Council has determined that the temporary moratorium established by this Ordinance will not apply to the construction, reconstruction, or redevelopment of any property that is determined to have been damaged by Hurricane Debby, Hurricane Helene, or Hurricane Milton, as established through the procedure set forth below in Section 5(a); and

WHEREAS, the Village Council further finds that the moratorium should be limited to the state-defined category of large-scale data centers, including phased or campus-style projects at a single location that are designed or reasonably anticipated to meet the statutory electrical-load threshold, rather than applying generally to ordinary computer and data-processing uses; and

WHEREAS, the Village Council finds that the temporary moratorium should apply only to Large-Scale Data Center Projects as defined herein, while

the Village may continue to study other large load customers as part of its broader planning work; and

WHEREAS, the Village Council has determined, as a matter of legislative policy, that the temporary moratorium established by this Ordinance shall not apply to the properties identified in Section 5(e), subject to the terms and conditions set forth in that subsection; and

WHEREAS, the Village Council finds that a period of up to 365 days is reasonable in light of the scope of the necessary technical and legal review and the Legislature's direction that the OPPAGA study concerning large-scale data centers be completed by July 1, 2027; and

WHEREAS, the Village Council does not intend to impede the vested rights of any existing property owners and applicants, and therefore this Ordinance shall not apply to any property owner or applicant that establishes vested rights pursuant to the procedure set forth in section 12-19 of the LDRs; and

WHEREAS, the Planning, Zoning and Appeals Board sitting as the Local Planning Agency held a duly noticed public hearing on November 5, 2026, recommended that the Village Council adopt this Ordinance, and made a specific finding that the Ordinance is consistent with the adopted Comprehensive Plan; and

WHEREAS, the Village Council finds that adoption of this temporary moratorium, subject to the limitations and exemptions set forth herein, is in the best interests of the Village and promotes the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF INDIANTOWN, FLORIDA, AS FOLLOWS[1]:

Section 1. Findings. The above recitals and "Whereas" clauses are hereby included as findings by the Village Council of the Village of Indiantown and are otherwise fully incorporated herein.

Section 2. Legislative Intent. The purpose of this Ordinance is as follows:

a. To establish a temporary planning moratorium for Large-Scale Data Center Projects while the Village evaluates the planning, infrastructure, utility, environmental, public-safety, compatibility, and fiscal issues associated with such projects and determines whether permanent Comprehensive Plan or LDR amendments should thereafter be proposed;

b. To preserve existing conditions during a defined planning period. This Ordinance is temporary and self-expiring and shall not be construed as establishing permanent development regulations or amending the text or map of the Village Comprehensive Plan or LDRs; and

c. To preserve vested rights and ensure that this Ordinance is interpreted and applied in compliance with controlling state and federal law.

Section 3. Definitions. For purposes of this Ordinance, the following words and phrases have the meanings set forth below. Terms not defined herein shall have the meanings assigned by applicable Florida law or the Village LDRs, as appropriate:

a. *Data Center* means a facility that meets the definition of "data center" in section 373.203(3), Florida Statutes, as amended from time to time.

[1] Strikethrough words are deletions to the existing words. Underlined words are additions to the existing words.

b. *Large-Scale Data Center* means a Data Center that meets the definition of "large-scale data center" in section 373.203(4), Florida Statutes, as amended from time to time.

c. *Large-Scale Data Center Project* means proposed development at a single location that includes one or more Data Centers and that:

(1) constitutes a Large-Scale Data Center;

(2) is proposed, designed, phased, marketed, or reasonably anticipated to be developed so that the single location will constitute a Large-Scale Data Center upon completion of one or more phases; or

(3) is a campus-style, colocation, or functionally integrated Data Center development at a single location that otherwise meets or is reasonably anticipated to meet the electrical-load threshold in section 373.203(4), Florida Statutes.

For purposes of this definition, separate buildings, phases, lots, parcels, customers, or entities at the same single location may be considered together only to the extent consistent with section 373.203(4), Florida Statutes. Electrical load may not be aggregated across multiple locations contrary to that statute.

d. *Development Application* means any application, request, petition, or submittal seeking a Village approval necessary to establish, construct, expand, or materially modify a Large-Scale Data Center Project, including, as applicable, a Comprehensive Plan amendment, rezoning, planned unit development or amendment, development agreement or amendment, plat, site plan of any type (including, but not limited to, major site plans, minor site plans, and site-plan modifications), conditional use, special exception, development permit, development order, or building permit.

e. *Hurricane-Damaged Property* means property that is determined to have been damaged by Hurricane Debby, Hurricane Helene, or Hurricane Milton, pursuant to the procedure set forth in Section 5(a) below.

Section 4. Temporary Moratorium Established. Except as provided in Section 5, a temporary moratorium is hereby established, within the Village, on the acceptance, processing, review, or approval of any Development Application, and on the commencement, construction, or operation of any development activity, for the establishment, construction, expansion, or operation of a Large-Scale Data Center Project during the effective period of this Ordinance. The moratorium applies only to Large-Scale Data Center Projects and does not affect Data Centers or other lawful uses that do not constitute, and are not reasonably anticipated to constitute, a Large-Scale Data Center Project. A Large-Scale Data Center Project may not be divided into separate phases, buildings, applications, lots, parcels, customers, or entities at the same single location to avoid this Ordinance, consistent with the nonaggregation provisions of section 373.203(4), Florida Statutes.

Section 5. Exemptions. This Ordinance shall not apply to, and shall not prohibit the acceptance, processing, review, or approval of applications, or the commencement, construction, or operation of development on the following properties:

a. *Hurricane-Damaged Property*. This Ordinance shall not apply to construction, reconstruction, or redevelopment of Hurricane-Damaged Property. Any applicant or property owner that believes its application relates to property damaged by Hurricane Debby, Hurricane Helene or Hurricane Milton, shall submit an application for a determination of hurricane property damage to the Village, which application shall be reviewed and considered the same as an application for a Major Site Plan, including appellate procedures.

b. *Existing Lawful Facilities.* This Ordinance does not prohibit the continued lawful operation of a Data Center existing on the effective date of this Ordinance, or routine maintenance, repair, replacement in kind, interior renovation, emergency work, or utility maintenance that does not establish a new Large-Scale Data Center Project or materially expand an existing facility so that it becomes a Large-Scale Data Center Project.

c. *Vested Rights.* Nothing in this Ordinance shall impair a vested right established pursuant to section 12-19 of the Village LDRs. A person asserting vested rights may seek a vested-rights determination through the existing procedure in section 12-19. Nothing in this Ordinance creates a vested right, and the mere filing, pendency, or completeness of a Development Application shall not, by virtue of this Ordinance, be deemed to establish a vested right or equitable estoppel.

d. *Non-Data-Center Large Load Customers.* This Ordinance does not apply solely because a proposed use is a "large load customer" under section 366.043, Florida Statutes. The moratorium applies only to a Large-Scale Data Center Project as defined herein.

e. *Specifically Exempt Properties*. This Ordinance shall not apply to the following identified properties, and shall not prohibit or delay the acceptance, processing, review, or approval of any implementing Development Application for data center development on such land, regardless of scale, nor shall it prohibit or delay the commencement, construction, or operation of such projects:

i. Those parcels included in the Plat of Silver Fox, as recorded in Plat Book 24, Page 19, of the Public Records of Martin County, Florida, as same may be modified or amended;

ii. The land located at 18300 SW Warfield Boulevard and known as "Project Growler," which is subject to applications for Major Site

Plan (SP-26-0015, deemed complete on August 21, 2026), Plat (PLT-26-0018, deemed complete on August 21, 2026), Minor Site Plan (SP-26-0018, deemed complete on August 26, 2026), and Minor Site Plan (SP-26-0019, deemed complete on August 26, 2026), all as may be amended or modified; and

iii. The land described in, or land development allowed under, Village Ordinance No. 03-2026, as recorded in Official Records Book 3564, Page 559, of the Public Records of Martin County, Florida, which had no size limitation on data centers, and this exemption shall include implementing applications or permits.

Section 6. Pending Applications; Effect of the Council Moratorium Direction. For purposes of this Ordinance, the Council Moratorium Direction is hereby recognized as follows:

a. *Prior Initiation and Notice.* Through the Council Moratorium Direction, the Village Council formally initiated consideration of this temporary moratorium and provided public notice that the moratorium ordinance was actively pending. The Council Moratorium Direction did not itself impose a moratorium or suspend development-review processing before the effective date of this Ordinance.

b. *Applications Submitted on or After the Council Moratorium Direction*. To the fullest extent permitted by law, and subject to the exemptions in Section 5. above, the moratorium applies to any Development Application for a Large-Scale Data Center Project submitted on or after the Council Moratorium Direction on September 10, 2026, that is pending and has not received final approval before the effective date of this Ordinance. Such an application is not automatically grandfathered solely because it was filed, accepted, deemed complete, or

processed before the effective date of this Ordinance. The Village Council finds that such applicants submitted their applications with public notice that this moratorium ordinance had been formally initiated and was actively pending.

c. *Applications Submitted Before the* Council Moratorium Direction. To the fullest extent permitted by law, and subject to the exemptions in Section 5. above, the moratorium also applies to any Development Application for a Large-Scale Data Center Project submitted before the Council Moratorium Direction that remains pending and has not received final approval before the effective date of this Ordinance.

Section 7. Staff Study. During the course of this Ordinance, the staff study and work program initiated and directed by the Council Moratorium Direction shall continue, and the Village Manager, Community and Economic Development Department, Village Attorney, and other appropriate staff and consultants shall evaluate the need for, and, if appropriate, develop recommendations concerning, permanent planning policies and development standards for Large-Scale Data Center Projects and related large-load planning issues, including, as appropriate, the following:

a. future land use and zoning compatibility, including the appropriate zoning districts and whether scale or intensity thresholds should apply;

b. campus size, floor-area ratio, building height, massing, setbacks, buffering, landscaping, and visual compatibility;

c. electrical transmission and distribution infrastructure, substations, interconnection facilities, redundancy, and anticipated peak load;

d. backup generation, battery energy storage, fuel storage, hazardous materials, fire suppression, emergency response, and public safety;

e. potable water demand, consumptive use, reclaimed water, wastewater, cooling technologies, water conservation, and drought conditions;

f. stormwater, flooding, wetlands, natural resources, heat, air emissions, and other environmental considerations;

g. noise, vibration, lighting, hours of testing and operation of generators and other equipment, and compatibility with residential and other sensitive uses;

h. transportation, construction traffic, road impacts, access, staging, and phased development;

i. telecommunications and related infrastructure;

j. construction employment, permanent employment, tax-base and fiscal impacts, public-service costs, and economic-development considerations;

k. decommissioning, adaptive reuse, restoration, financial assurance, and treatment of obsolete facilities;

l. best practices and regulations adopted or under consideration by other Florida jurisdictions and other comparable jurisdictions; applicable state and federal requirements, including Chapter 2026-65, Laws of Florida, and rules or tariffs adopted pursuant thereto; and

m. findings and recommendations in the OPPAGA large-scale data center study when available.

During the course of this Ordinance, Village staff shall coordinate, as appropriate, with electric utility providers, water and wastewater providers, Martin County and regional emergency-response agencies, transportation agencies, water management and environmental agencies, affected property owners, residents, businesses, and other stakeholders, and the Village Manager shall endeavor to present one or more interim reports or regulatory options to the Planning, Zoning and Appeals Board and Village Council during the moratorium and shall seek to present final recommendations sufficiently in advance of the moratorium's expiration to allow the Village Council to determine whether permanent regulations should be proposed and processed in accordance

with then-applicable law. This Section directs study, coordination, and preparation of recommendations only, and does not itself propose or adopt any permanent Comprehensive Plan amendment or LDR amendment.

Section 8. Savings. This Ordinance shall be interpreted and applied so that it does not operate in a manner prohibited by Section 28 of Chapter 2025-190, Laws of Florida, section 252.422, Florida Statutes, or other controlling law, without conceding any legal positions. If a provision cannot lawfully be applied to particular property, an application, an approval, or an activity, it shall be inapplicable only to the minimum extent necessary, and the remainder of this Ordinance shall continue in effect.

Section 9. Duration. The moratorium established by this Ordinance is temporary and shall be effective for a period of 365 days from the effective date of this Ordinance, unless dissolved earlier by the Village Council or superseded by permanent regulations governing Large-Scale Data Center Projects. The moratorium may be reasonably extended, if necessary, by ordinance of the Village Council, and may not be extended by any administrative officer or employee.

Section 10. Judicial Review. Judicial review of final decisions by the Village Council under Section 5 of this Ordinance shall be by the filing of a Petition for Writ of Certiorari in the Circuit Court of the Nineteenth Judicial Circuit in and for Martin County, Florida, in accordance with the Florida Rules of Appellate Procedure for the review of quasi-judicial decisions of municipalities.

Section 11. Exhaustion of Administrative Remedies. No property owner claiming that this Ordinance should not be applied to its property because the property is Hurricane Damaged Property or has vested rights may pursue such claim in court, unless he or she has first exhausted the applicable administrative remedies provided in this Ordinance.

Section 12. Non-Codification. The provisions of this Ordinance shall not be included or incorporated into the Code of Ordinances of the Village of Indiantown.

Section 13. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part. Notwithstanding the foregoing, the exemptions in Section 5 are integral to this Ordinance and are not severable from Section 4. If any exemption in Section 5 is held invalid in whole or in part, Section 4 shall not apply to the Specifically Exempt Properties listed in Section 5, or their associated Development Applications or development described therein.

Section 14. Conflicts. All ordinances or parts of ordinances, resolutions or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict. The notice and direction provided by the Council Moratorium Direction expires upon the effective date of this Ordinance. Such expiration does not negate the prior formal initiation of this moratorium process, the public notice provided by the Council Moratorium Direction, or administrative actions lawfully taken pursuant thereto. Those matters are ratified and remain part of the legislative record supporting this Ordinance.

Section 15. Effective Date. This Ordinance shall become effective immediately upon adoption on second reading.

PASSED on first reading this _____ day of _____ 2026.

PASSED AND ADOPTED on second reading this ____day of_____, 2026.

_____

Phyllis Waters Brown, Mayor

Attest:

_____

LaRhonda McBride

Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

FOR THE USE AND BENEFIT OF THE VILLAGE ONLY:

_____

WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.

Village Attorney

Motion to adopt by _____seconded by _____.

FINAL VOTE AT ADOPTION

Mayor Phyllis Waters Brown _____

Vice Mayor Christa Miley _____

Council Member Anthony Dowling _____

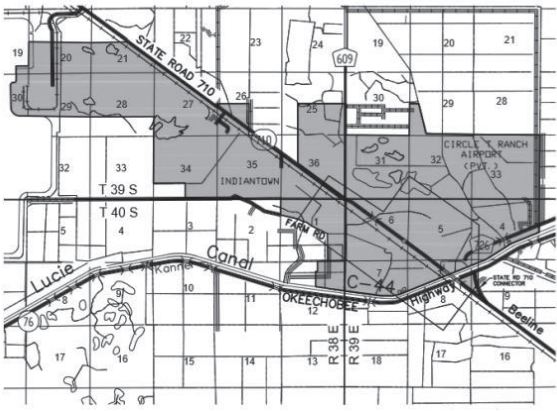
Council Member Janet Hernandez _____

Council Member Vernestine Williams-Palmer _____

VILLAGE OF INDIANTOWN NOTICE OF ADOPTION OF AN ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM ON LARGE-SCALE DATA CENTER PROJECTS

NOTICE IS HEREBY GIVEN that the Village Planning Zoning Appeals Board of the Village of Indiantown, Florida will hold a public hearing on November 5, 2026, at 6:00 p.m., or as soon thereafter as possible and the Village Council of the Village of Indiantown, Florida first reading of the ordinance provided below by the Village Council on November 5, 2026, at 7:30 p.m., or as soon thereafter as possible, at Indiantown Village Hall, 15516 SW Osceola Street, Indiantown, Florida 34956. Interested parties may appear and be heard with respect to the proposed Ordinance.

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF INDIANTOWN, FLORIDA, ESTABLISHING A TEMPORARY MORATORIUM, WITHIN THE VILLAGE, ON THE ACCEPTANCE, REVIEW, PROCESSING, AND APPROVAL OF DEVELOPMENT APPLICATIONS FOR, AND ON THE COMMENCEMENT OR CONSTRUCTION OF, LARGE-SCALE DATA CENTER PROJECTS; PROVIDING FOR LEGISLATIVE INTENT; PROVIDING DEFINITIONS; PROVIDING FOR EXEMPTIONS; RECOGNIZING AND RATIFYING THE INITIATION OF THE MORATORIUM PROCESS BY VILLAGE COUNCIL VOTE; DIRECTING A STAFF STUDY; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR A 365-DAY DURATION; PROVIDING FOR PROCEDURES RELATED TO VESTED RIGHTS AND



JUDICIAL REVIEW; PROVIDING FOR NONCODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

The Village Council may continue or defer the hearing to a new date and time certain without further notice provided the date and time of the continuance or deferral is announced at the hearing. The Ordinance in its entirety may be inspected at the Office of the Village Clerk during regular business hours.

Persons wishing to appeal any decision made by the Village Council with respect to any matter considered at such hearing will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).

Any and all interested parties may appear at the above meeting and be heard with respect to the proposed items.

In accordance with the Americans with Disabilities Act of 1990 (ADA), persons needing special accommodations to participate in these proceedings should contact the Village Clerk's Office for assistance at (772) 597-8294, no later than four (4) business days prior to such proceeding.

LaRhonda McBride
Village Clerk

SCN44893108