

**To:** Arbor Memorial Inc.

**From:** Cosimo Casale, P.Eng. RPP, MCIP, PLE

**Re: Arbor Memorial Inc. Comment (“Appeal”) re: the Adopted Durham Region Official Plan 2023**

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Dear Sir/Madam,

Cosmopolitan Associates Inc. (CAI) represents Arbor Memorial Inc. (Arbor / Client) on land use planning, engineering and land economics matters. Please accept this letter in appeal of the final adopted Durham Region Official Plan of May 17, 2023 (DROP 2023 / Plan) on behalf of our Client.

Arbor is a long-term owner of lands in Durham Region, and continues to play an active role in contributing to the fulfillment of cemetery needs of the Region. Arbor owns and operates the Mount Lawn Funeral Home & Cemetery (Mount Lawn MG) in the Town of Whitby and Pine Ridge Funeral Home & Cemetery (Pine Ridge MG) in the Town of Ajax, both of which are established cemeteries. Arbor also owns lands located at 2080 Westney Road North, Ajax, ON (identified herein as 'Pine Ridge North'). Arbor has been a stakeholder, an active participant and an interested party in the Durham Region's recently concluded Municipal Comprehensive Review process, in anticipation of a Regional Official Plan that offers a just and feasible development potential for their lands for the approved and/or intended uses.

Despite letters to the Envision Durham team identifying Arbor's concerns and the provision of extensive planning rationale and policy suggestions, we believe that the policy outcome of the Region's planning process has been entirely inadequate and continues to compromise the development interests of Arbor lands. Also, the Region's staff response has not recognized the scope of Arbor's concerns and the staff summaries supplied by the Region have minimized their importance. As a last available remedy, our Client intends to appeal specific policies of the council-adopted DROP 2023.

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## 01. SCOPE OF APPEAL

The scope of Arbor's appeal concerns the following two policy areas of the DROP 2023. Revision and/or repeal of specifically identified policies in these two policy areas is important for Arbor's interests and a critical priority for the greater public interest in terms of providing adequate, immediate and long-term death care needs in Durham Region.

**POLICY APPEAL AREA 1: Recognition of Funeral Establishments and Other Subsidiary Interment Uses within Cemeteries**, by provision of adequate and correct definitions in alignment with the current Funeral, Burial and Cremation Services Act, 2002 (FBCSA 2002), inclusive of subsequent December 2017 amendments.

**POLICY APPEAL AREA 2: Revision of specific Major Open Space Areas policies** that limit the future development potential of cemetery lands; and, the provision of exceptions to cemetery uses, similar to the exceptions afforded to other passive open space uses.

Further discussion of these two policy appeal areas is detailed below.

## 02. OVERVIEW OF POLICIES PERTAINING TO CEMETERY USES

There are limited policies and policy provisions concerning cemetery uses in DROP 2023. Cemeteries are addressed in Section 3.3 Complete Communities (Policies 3.3.29 through 3.3.31), which permits the establishment of new cemeteries and expansion of existing cemeteries in Urban Area Boundaries, Rural Settlements and Major Open Space Areas.

The Region promotes the efficient use of cemetery lands and encourages approaches that support site stewardship. Policy 3.3.29 states that cemetery lands may include columbaria, mausolea or interment burial areas (generally known as burial gardens) through the review of applications for new cemeteries or expansions to existing cemeteries. The set of uses recognized within cemeteries is not consistent with the provisions of FBCSA 2002. Specifically, it is unclear why funeral homes are not clearly recognized as permitted uses within cemeteries in Policy 3.3.29 when "funeral homes & cemeteries" are specifically identified in the Plan as "Group 3 – Low Risk Land uses" in Table 3.

The creation of new cemeteries is further guided by specific criteria in 3.3.31, including: the location of cemeteries in areas of lesser agricultural significance, as it relates to Prime Agricultural Areas (3.3.31.a); negation of adverse impacts on the natural environment, hydrological features and surrounding land uses (3.3.31.b); the adherence to Land Use Compatibility Guidelines and provincial



guidelines in regard to location of a cemetery adjacent to an operating landfill (3.3.31.c); and, a size limitation of 40 hectares for cemeteries located within Prime Agricultural Areas (3.3.31.d).

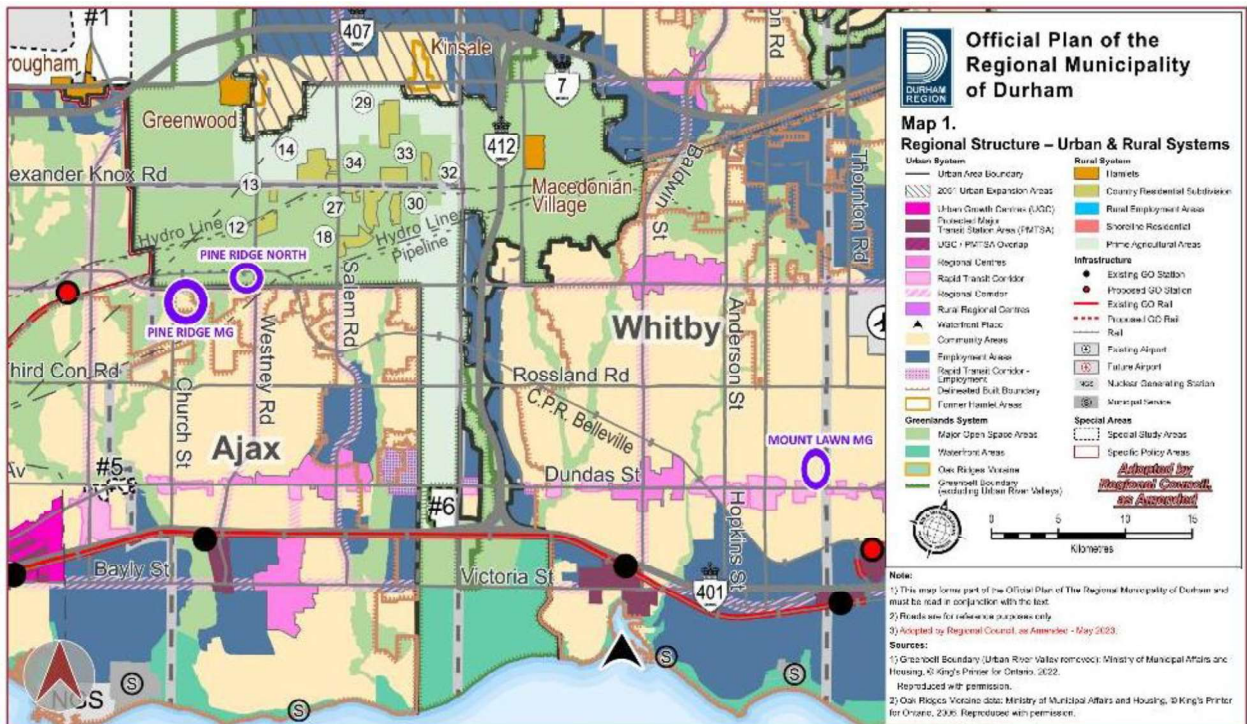
While cemeteries are specifically recognized as a land use within the Rural System (Chapter 6, introductory text), the Plan doesn't specifically provide any land use guidance, permissions or exemptions pertaining to new or existing cemeteries within the Rural System policies. This is unexpected since the Rural System includes Prime Agricultural Areas designation which seems to permit cemeteries albeit with a size limit of 40 hectares (Policy 3.3.31.d) as well as Rural Settlement designation since Policy 3.3.30 specifically encourages the establishment of new cemeteries within Rural Settlements as well as within the Urban Area Boundary and Major Open Space Areas.

The DROP 2023 does not define cemeteries or any of the associated cemetery uses in either Section 3.3, Section 7.1, or either the Glossary. Neither has the Region provided definitions for 'Disturbed Area', whereas it is used as a basis of area calculations of potential development of a property. It is important that the Plan provide specific definitions to lend a proper recognition and clarity to the land use and its various associated uses, as well as the assessment of the land's development potential.

### **03. ARBOR'S PROPERTIES IN DURHAM REGION**

Arbor owns three properties within Durham Region as shown in Figure 1 below, two within the Urban System and one in the Greenlands System.

1. **Mount Lawn Funeral Home & Cemetery (Mount Lawn MG located at 21 Garrard Rd, Whitby):** designated as Community Areas and located within the Delineated Built Boundary
2. **Pine Ridge Funeral Home & Cemetery (Pine Ridge MG located at 1757 Church St N, Ajax):** designated Community Areas and Major Open Space Areas, and located within the Delineated Built Boundary
3. **Lands located at 2080 Westney Road (Ajax) (Pine Ridge North):** designated Major Open Space Areas, and located within the Greenbelt Boundary



**ARBOR PROPERTIES IN DURHAM REGION**  
MOUNT LAWN MG, PINE RIDGE MG & PINE RIDGE NORTH LANDS  
APPEAL OF THE ADOPTED DURHAM REGION OFFICIAL PLAN 2023

Figure 1: Excerpt from the council-adopted Map 1 showing the Regional Structure of Durham Region, DROP 2023 as amended, May 2023

#### 04. POLICY APPEAL AREA 1, MATTERS OF APPEAL & DISCUSSION

##### Recognition of Funeral Establishments and Other Subsidiary Interment Uses within Cemeteries

The following are the specific matters of appeal in Policy Appeal Area 1, followed by a brief discussion and rationale.

**MATTER OF APPEAL 1.1:** The list of subsidiary interment uses recognized and permitted on 'cemeteries' in Policy 3.3.29 is not comprehensive and does not reflect the nature, function and composition of modern cemeteries.

##### Discussion...

The 'Cemeteries' use is identified within Section 3.3 Complete Communities, and Policy 3.3.29 specifically permits only three subsidiary interment uses including columbaria, mausolea and interment burial areas within the cemeteries; without at least the "such as" wording prefixed to these subsidiary uses. It should be noted that Table 3. Land Use Groups by Risk to Drinking Water recognizes funeral homes alongside cemeteries in Group 3-



Low Risk Land Uses, therefore there is an inherent conformity with the intent of the Plan to additionally and specifically identify "funeral homes/establishments" in the wording of Policy 3.3.29.

**MATTER OF APPEAL 1.2:** In Policy 3.3.29, the Region should (at a minimum) specifically include and fully permit funeral establishments ('funeral homes') in the policy as a permitted/included/subsidiary use within 'cemeteries' to reflect the current Funeral, Burial and Cremation Services Act, 2002 (FBCSA), inclusive of December 2017 amendments, which permits the co-location of funeral homes, crematoriums and mausoleums on cemetery lands as ancillary components of cemeteries providing death care services to the public.

**Discussion...**

*Location of funeral establishments within cemeteries also represents good planning with respect to the efficient use and management of land and infrastructure, in conjunction with the other uses on the cemetery property. Funeral establishments (or funeral homes) are an integral part of cemeteries and essential to the seamless on-site provision of all death care services, especially towards serving all faiths and death care preferences for an inclusive community. It should be noted that funeral homes have been approved and currently exist on both existing and proposed new cemeteries, in the Durham Region as well as other regions in Ontario, as consistent with Provincial legislation.*

**MATTER OF APPEAL 1.3:** The Region should specifically define cemeteries and all the associated cemetery uses, specifically inclusive of funeral homes, in the Glossary of DROP. Such definitions should be in alignment with the current Funeral, Burial and Cremation Services Act, 2002 (FBCSA), inclusive of December 2017 amendments.

**Discussion...**

*Modern cemeteries are developed to comprehensively address the death care needs of communities. It is essential that they are able to accommodate a wide range of interment and memorialization activities on a single property, consistent with the Complete Communities intent of diverse and inclusive communities. Therefore, the recognition of the various subsidiary uses within cemeteries is necessary at the policy level so that the development of full-fledged modern cemeteries is not curtailed. Provision of accurate definitions, consistent with the FBCSA, affords this recognition and prevents issues of inconsistencies in planning approvals across lower-tier municipalities.*





**05. POLICY APPEAL AREA 2, DISCUSSION & MATTERS OF APPEAL**

**Revision of specific Major Open Space Areas Policies**

The following is are the specific matters of appeal in Policy Appeal Area 2, followed by a brief discussion and rationale.

**MATTER OF APPEAL 2.1:** The Policy 7.1.9.d should be revised to include cemeteries as one of the exempt land uses, and state that *“the disturbed area of any site does not exceed 25% and the impervious surface does not exceed 10% of the total developable area, except for major recreational uses, **cemeteries** and aggregate extraction areas...”*

**Discussion...**

*The Major Open Space Area policies in Chapter 7 do not recognize cemeteries in the same vein and do not provide cemeteries the same development opportunity offered to major recreational uses, which have been specifically identified. Considering that the cemetery land use essentially functions as a perpetual open space use that, although privately-owned, remains publicly accessible; therefore, we consider it appropriate to include cemeteries in this policy alongside the others mentioned. It is our opinion that cemeteries should be allowed the same development rights and opportunities as golf courses, serviced playing fields, etc.*

*The policies listed below either conflict directly with each other within the Plan, or with previous stages of the Envision Durham process, or, in our opinion, have no technical merit that we have seen provided for analysis. We continue to object to these policies and request that the Region should reconsider them thoroughly going forward.*

*Cemeteries may, and should, appropriately be considered 'serviced open space' since the land is cleared and graded for laying out the internal pathways and gardens prior to being landscaped, with the end result being that a majority of the land returns to being a perpetual open space. Cemeteries should be afforded the same development rights as major recreational uses. Cemeteries are not a 'major recreational use' but serve a very important purpose in the community and should at least be afforded the same opportunity and respect as golf courses and playing fields.*

**MATTER OF APPEAL 2.2:** The “disturbed area” reference in Policy 7.1.9.d should be defined in the Glossary of the Plan. In such definition, farmland that is actively plowed should be recognized as disturbed area.

**Discussion...**

*Policy 7.1.9.d requires that “the disturbed area of any site does not exceed 25% and the impervious surface does not exceed 10% of the total developable area, except for major recreational uses and aggregate*



extraction areas..." The policy however does not define 'disturbed area', and it is critical that the Plan provide an accurate and meaningful definition that recognizes lands that have already been disturbed and therefore lend themselves to redevelopment with an adequate municipal oversight. Specifically, any farmland that is actively plowed and should be recognized as 'disturbed' areas, since such lands are conducive to redevelopment, especially where roadway infrastructure is available.

**MATTER OF APPEAL 2.3:** The 25% and 10% impervious area and disturbed area limits in Policy 7.1.9.d should be removed.

**Discussion...**

It is our submission that the Official Plan should provide qualitative guidance rather quantitative and absolute figures as maximums and minimums. The Region should only implement the Low Impact Development (LID) methods and innovation consistent with the Envision program identified in the policy. The development of qualitative guidance allows for a much greater flexibility in developing site plans that are customized for each development site and are designed for the suitability of specific land uses. The use of qualitative guidance also ensures that the Region's Plan is geared towards achievement of the greater intent of goals and policies. Qualitative guidance also lends planning and engineering professionals the ability to translate proven and successful best practices across all lower-tier municipalities within the Region.

**MATTER OF APPEAL 2.4:** The Policy 7.1.11.a. is redundant and is in conflict with the Prime Agricultural Designation of the Plan and should be removed.

**Discussion...**

Policy 7.1.11.a. states that non-agricultural uses within the Major Open Space Areas shall "minimize the use of prime agricultural land, including Canada Land Inventory Classes 1, 2 and 3 soils". As it relates to Arbor's lands at 2080 Westney Rd N (Pine Ridge North), designated as Major Open Space in the current and new recommended OP, the property was considered as Candidate Agricultural Areas within the Provincial system and later removed by the Region. Durham Region, during its review of the Agricultural and Rural System, did not finally designate these lands as Prime Agricultural Areas (as acknowledged in our letter dated September 08, 2022). These lands, therefore, have been reviewed and assessed by the Region, based on a detailed set of criteria developed by the Region itself. It is excessive to continue to apply prime agricultural soils criteria to these lands and would cause undue hardship in the development of properties that are not within the Prime Agricultural Areas designation, but continue to be curtailed by this retained and overlapping reference to prime agricultural lands.

Although the Pine Ridge North lands are not designated Prime Agricultural Areas as relates to Policy 3.3.31.a., the property is unduly burdened by the inconsistent requirements of Policy 7.1.11.a. and Policy 3.3.31.a., which



*should not be applicable. Lands that are not in a Prime Agricultural Area should not be considered prime agriculture Lands - in particular where, as here, the Pine Ridge North lands are limited to a small parcel surrounded by non-agricultural uses.*

**MATTER OF APPEAL 2.5:** The Policy 7.1.11.b. is in conflict with other policies of the Plan, specifically the policies of Major Open Space Areas, and should be removed.

**Discussion...**

*Policy 7.1.11.b states that non-agricultural uses need to “demonstrate that the use is appropriate for location in the Major Open Space Area and, apart from recreational uses, is small in scale and serves the resource and agricultural sectors”. This policy is in conflict with other policies of the Plan since cemeteries are permitted in Major Open Space Areas, and the Pine Ridge North lands are “existing parcels of appropriate size for the proposed use” (Policy 7.1.11.c). The conflict is in requiring uses to ‘serve resource and agriculture sectors’, while permitting as-of-right land uses such as cemeteries that have no interaction with resource or agriculture, and are not a ‘recreational use’ within the Major Open Space Areas.*

**MATTER OF APPEAL 2.6:** The Policy 7.1.11.b. should be revised to include cemeteries as one of the exempt land uses, and state that “...this requirement does not apply to new or expanding Aggregate Resource Extraction Areas and **new or existing cemeteries...**”

**Discussion...**

*Policy 7.1.11.j states that non-agricultural uses need to “ensure at least 30% of the total developable area of the site will remain or be returned to natural self-sustaining vegetation”. The total developable area calculation already deducts environmental features and associated protection zones, and requiring an additional 30% out of a limited ‘developable area’ is excessive and, as applied to cemetery properties, would cause undue hardship in creation of much needed death care uses in the Region, especially given that cemeteries are largely green space and would remain a passive open space in perpetuity.*

We have identified these two major Policy Appeal Areas and the related Matters of Appeal, and provided the rationale for appealing specific policies of the council-adopted Durham Region Official Plan 2023. The Matters of Appeal identified in this letter are not exhaustive and we reserve our intent to submit supplemental Matters of Appeal and/or documentation in the future.

Arbor intends to continue ownership of their properties in Durham Region into the foreseeable future and remains invested in the Region. The transformation of the Region and its communities through the Official Plan 2023, and the resulting policy directions at the regional and local municipal levels, are of utmost significance to Arbor.

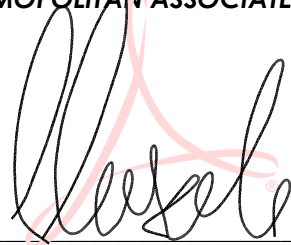


Should you have any questions, please do not hesitate to contact the undersigned. Thank you for your attention.

Sincerely,

**COSMOPOLITAN ASSOCIATES INC.**

Per:



Cosimo **Casale**, P.Eng. RPP, MCIP, PLE

Principal Associate

[cosimo@cosmopolitan.ca](mailto:cosimo@cosmopolitan.ca)

**Attachment:** Arbor Properties in Durham Region, extracted from Map 1: Regional Structure, council-adopted DROP 2023

- 3.3.27 Encourage the renovation and adaptation of existing community facilities and spaces, provide for co-location opportunities and support the establishment of new [community hubs](#) within [Strategic Growth Areas](#), other Nodes and Corridors, Hamlets and other locations as appropriate.
- 3.3.28 Encourage the establishment and [development](#) of [community hubs](#) in transit-supportive locations where existing cultural and community services and facilities exist, with preference given to locating within [Strategic Growth Areas](#).

### Cemeteries

It is the policy of Council to:

- 3.3.29 Promote the efficient use of cemetery lands which may include columbaria, mausolea or interment burial areas through the review of applications for new cemeteries or expansions to existing cemeteries and encourage approaches that support site stewardship.
- 3.3.30 Encourage the establishment of new cemeteries within the Urban Area Boundary, [Rural Settlements](#) and Major Open Space Areas.
- 3.3.31 Consider new cemeteries subject to the following criteria:
- a) for [Prime Agricultural Areas](#), the cemetery is located in areas of lesser agricultural significance;
  - b) there are no adverse impacts on the natural environment, [hydrological features](#) and surrounding land uses;
  - c) if locating adjacent to an operating landfill, the cemetery is sited in accordance with the Land Use Compatibility Guidelines, and any other guidelines and/or requirements issued by the province; and
  - d) the cemetery is no larger than 40 hectares within the [Prime Agricultural Area](#).

### Built & Cultural Heritage

The Region prioritizes the recognition, conservation, and enhancement of cultural heritage in the region, including resources and landscapes, such as downtowns, historical areas, scenic lookout areas, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association with the community.

## Major Open Space Areas

Major Open Space Areas are a component of the region's Greenlands System that generally follow major [permanent and/or intermittent stream](#) and valleys and contain high concentrations of [key natural heritage features](#) and [key hydrologic features](#). Outside of the Urban Area Boundary, Major Open Space Areas can also include [prime agricultural lands](#) and rural lands.

It is the policy of Council to:

- 7.1.6 Ensure that the predominant use of land within Major Open Space Areas is environmental protection and conservation, while also allowing for a range of [agricultural uses](#), [agriculture-related uses](#), [on-farm diversified uses](#), and recreational uses, where appropriate.
- 7.1.7 Discourage fragmentation and maintain the continuity of Major Open Space Areas, including ownership patterns, especially where [key natural heritage features](#) and [key hydrologic features](#) are present.
- 7.1.8 Ensure that uses permitted within valleylands do not alter the flood capacity of the valley, slope stability and erosion hazards, [fish habitats](#), [wildlife habitats](#), [woodlands](#), or the character of the [permanent and/or intermittent stream](#).
- 7.1.9 Require that [development](#) or [site alteration](#) within Major Open Space Areas and/or the Greenbelt [Natural Heritage System](#) demonstrate that:
  - a) there will be no negative impacts on [key natural heritage features](#) or [key hydrologic features](#) or their functions;
  - b) connectivity between [key natural heritage features](#) or [key hydrologic features](#) located within 240 metres of each other is maintained, or where possible, enhanced;
  - c) the removal of natural features not identified as [key natural heritage features](#) or [key hydrologic features](#) is avoided and such features are incorporated into the planning and design of the proposed use, wherever possible; and
  - d) the disturbed area of any site does not exceed 25% and the [impervious surface](#) does not exceed 10% of the total developable area, except for [major recreational uses](#) and aggregate extraction areas. With respect to golf courses, the disturbed area shall not exceed 40% of the site. The use of [low impact development](#), such as permeable pavers and grassed swales is encouraged to achieve this requirement.

- 7.1.10 Consider non-agricultural uses within Major Open Space Areas, subject to the policies of this Plan, the Lake Simcoe Protection Plan and the Greenbelt Plan. Area municipalities are encouraged to distinguish between non-agricultural uses which are compatible with the character of Major Open Space Areas within their urban and rural areas.
- 7.1.11 Require that the [development](#) of non-agricultural uses within Major Open Space Areas shall:
- a) minimize the use of [prime agricultural land](#), including Canada Land Inventory Classes 1, 2 and 3 soils;
  - b) demonstrate that the use is appropriate for location in the Major Open Space Area and, apart from recreational uses, is small in scale and serves the resource and agricultural sectors;
  - c) be encouraged to locate on existing parcels of appropriate size for the proposed use;
  - d) incorporate appropriate separation distances from farm operations in accordance with provincial [Minimum Distance Separation formulae](#);
  - e) be compatible with [sensitive land uses](#) in compliance with provincial Land Use Compatibility Guidelines, particularly issues of noise and dust must be addressed;
  - f) be located on an existing opened public road and shall not compromise the design and function of the road;
  - g) be serviced with an individual private sewage disposal system and an individual private drilled well which meet regional and provincial standards, outside of the Urban Area;
  - h) be planned to optimize the compatibility of the [development](#) with the natural surroundings;
  - i) ensure there will be no negative impact on [key natural heritage features](#) or [key hydrologic features](#);
  - j) ensure at least 30% of the total developable area of the site will remain or be returned to [natural self-sustaining vegetation](#) (this requirement does not apply to new or expanding Aggregate Resource Extraction Areas);
  - k) ensure that connectivity along the system and between [key natural heritage features](#) or [key hydrologic features](#) located within 240 metres of each other is maintained or enhanced, or in the case of aggregate extraction, rehabilitated;

- l) avoid the use of outdoor lighting that causes light trespass, glare and uplight;
- m) not have an adverse effect on the ability of surrounding agricultural operations to carry on [normal farm practices](#);
- n) be subject to area municipal planning approvals; and
- o) meet the requirements of the Oak Ridges Moraine Conservation Plan, Lake Simcoe Protection Plan and the Greenbelt Plan, if applicable.

**Total Developable Area** refers to the total area of the property less the area occupied by [key natural heritage features](#), [key hydrologic features](#) and any related [vegetation protection zones](#).

It is the policy of Council to:

- 7.1.12 Permit new and expanding [major recreational uses](#) and accessory facilities within Major Open Space Areas by amendment to this Plan, or an area municipal official plan where appropriate policies are in place, in accordance with the requirements of Policy 7.1.11 and the following:
- a) a hydrogeological study addressing the protection of water resources;
  - b) a best management practices report that addresses design, construction and operating considerations, including traffic and a demonstration of how the application of pesticides, fertilizers and water, nutrient and biocide use will be minimized, including the establishment and monitoring of targets; and
  - c) that new [natural self-sustaining vegetation](#) be located in areas that maximize the ecological value of the area.

**Ecological Value** refers to the value of vegetation in maintaining the health of the [key natural heritage feature](#) or [key hydrologic feature](#) and the related ecological features, such as those naturally occurring land, water and biotic features that contribute to [ecological integrity](#) and [ecological functions](#), as measured by factors such as the diversity of species, the diversity of habitats, and the suitability and amount of habitats that are available for rare, [endangered and threatened species](#).

**On-farm Diversified Uses:** means uses that are secondary to the principal agricultural use of the property and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value added agricultural products. Ground-mounted solar facilities are permitted in [Prime Agricultural Areas](#), including specialty crop areas, only as on-farm diversified uses.

**Permanent and/or Intermittent Streams:** means a stream that continually flows in an average year, as in the case of a permanent stream; or, a stream-related watercourses that contain water or are dry at times of the year that are more or less predictable, generally flowing during wet seasons of the year but not the entire year, and where the water table is above the stream bottom during parts of the year, as in the case of an intermittent stream.

**Prime Agricultural Area:** means areas where [prime agricultural lands](#) predominate. This includes areas of [prime agricultural lands](#) and associated Canada Land Inventory Class 4 through 7 lands, and additional areas where there is a local concentration of farms which exhibit characteristics of ongoing agriculture. Prime agricultural areas are to be identified by the Ontario Ministry of Agriculture and Food and Rural Affairs using guidelines developed by the province as amended from time to time. A prime agricultural area may also be identified through an alternative agricultural land evaluation system approved by the province.

**Prime Agricultural Land:** means specialty crop areas and/or Canada Land Inventory Classes 1, 2 and 3 lands, as amended from time to time, in this order of priority for protection.

**Public Realm:** means publicly accessible external space between private buildings including such areas as parking lots, streets, sidewalks, squares, lanes, parks and the municipal boulevard.

**Public Service Facilities:** means land, buildings and structures for the provision of programs and services provided or subsidized by a government or other body, such as social assistance, recreation, police and fire protection, health and educational programs, long-term care services and cultural services. Public service facilities do not include [infrastructure](#).

**Redevelopment:** means the creation of new units, uses or lots on previously developed land in existing communities, including [brownfield sites](#).

**Renewable Energy [Systems]:** means a system and/or facility that generates electricity, heat and/or cooling from a renewable energy source that is renewed by natural processes and includes wind, water, biomass, biogas, biofuel, solar energy, geothermal energy and tidal forces.

**Rental Housing:** means a building or related group of buildings on a [rental property](#) that containing one or more rented residential units, including vacant units that have been used for rented residential purposes.

**Rental Property:** meaning land where [rental housing](#) is located.