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## **NOTICE OF THE PASSING OF A HERITAGE CONSERVATION DISTRICT DESIGNATION BY-LAW AND ADOPTION OF A HERITAGE CONSERVATION DISTRICT PLAN**

TAKE NOTICE that the Council of the Corporation of the Township of Muskoka Lakes passed **By-law 2014-131** to designate the **Bala Heritage Conservation District** and adopt a **Heritage Conservation District Plan**, on October 17, 2014, under Part V Section 41 of the *Ontario Heritage Act*, R.S.O. 1990, c.0.18.

A map of the subject area is included. The complete by-law, Heritage Conservation District Plan and all relevant background material is available for inspection in the Planning Department during regular office hours at the Township of Muskoka Lakes, 1 Bailey Street, P.O. Box 129, Port Carling, Ontario, P0B 1J0.

AND TAKE NOTICE that any person or agency may appeal to the Ontario Municipal Board in respect to the By-law by filing with the Clerk of the Corporation of the Township of Muskoka Lakes, not later than 4:00 p.m. on the **5<sup>th</sup>** day of **December 2014**, a notice of appeal setting out the objection to the By-law and the reasons in support of the objection. The Notice of Appeal must be made by using an "Appellant Form", available from the Ontario Municipal Board website at [www.omb.gov.on.ca](http://www.omb.gov.on.ca). The appeal must be accompanied by a certified cheque(s) or money order(s) made payable to the Minister of Finance in the amount of \$125.00.

No person or public body shall be added as a party to the hearing of the appeal unless, before the by-law was passed, the person or public body made oral submission at a public meeting or written submission to Council or, in the opinion of the Ontario Municipal Board, there are reasonable grounds to add the person or public body as a party.

For further information regarding the Bala HCD, please contact:

David Pink, Director of Planning  
T: (705) 765-3156 x 230  
E: [dpink@muskokalakes.ca](mailto:dpink@muskokalakes.ca)

Dated at the Township of Muskoka Lakes, Port Carling this 31<sup>st</sup> day of October, 2014

Cheryl Mortimer, Clerk  
Township of Muskoka Lakes  
1 Bailey Street  
Port Carling, Ontario, P0B 1J0



Source: Parcel Fabric - First Base Solution

**Bala Heritage Conservation District Study Area - Property Ownership**

**LEGEND**



Proposed Heritage Conservation District Boundary

DATE: May 2014

SCALE: 1:3,000

FILE: 12174BE

DRN: CAC



K12174BE-BALA HERITAGE CONSERVATION DISTRICT/PROPERTY OWNERSHIP DWG

**Bala, Ontario**  
Township of Muskoka Lakes

**MHBC** PLANNING  
URBAN DESIGN  
& LANDSCAPE  
ARCHITECTURE  
200-540 BINGEMANS CENTRE DR. KITCHENER, ON. N2B 3K9  
P: 519.576.3650 F: 519.576.0121 | WWW.MHBCPLAN.COM

THE CORPORATION OF THE TOWNSHIP OF MUSKOKA LAKES

BY-LAW 2014-131

Being a By-law to designate a Heritage Conservation District in Bala under Section 41 of the *Ontario Heritage Act*.

**WHEREAS** pursuant to subsection 41(1) of the *Ontario Heritage Act*, R.S.O. 1990, c.0.18, the Council of a municipality may by by-law designate the municipality or any defined area thereof as a Heritage Conservation District;

**AND WHEREAS** pursuant to subsection 41.1(1) of the *Ontario Heritage Act*, R.S.O. 1990, c.0.18, a municipality shall adopt a Heritage Conservation District Plan for each district that is designated in the by-law;

**AND WHEREAS** the Official Plan for the Township of Muskoka Lakes contains policies relating to the establishment of Heritage Conservation Districts;

**AND WHEREAS** it is intended to designate the area defined by the by-law as a Heritage Conservation District;

**AND WHEREAS** it is intended to adopt a Heritage Conservation District Plan and guidelines for this Heritage Conservation District;

**AND WHEREAS** a Public Meeting with respect to the Bala Heritage Conservation District Plan was held on October 17, 2014 with the appropriate notice of the Public Meeting given in accordance with the *Ontario Heritage Act*;

**NOW THEREFORE** the Council of the Corporation of the Township of Muskoka Lakes enacts as follows:

1. The area shown on Schedule "A" attached hereto and forming part of this by-law is hereby designated as a Heritage Conservation District.
2. The plan shown in Schedule "B" attached hereto and forming part of this by-law is hereby adopted as a Heritage Conservation District Plan and Guidelines.
3. This by-law shall come into force in accordance with section 41 of the *Ontario Heritage Act*, R.S.O. 1990, either on the day following the last day of the prescribed appeal period or as otherwise provided by subsection 41(10) of the *Act*.
4. Schedules "A" and "B" attached hereto are hereby made part of this by-law.

Read a first, second and third time and finally passed this 17<sup>th</sup> day of October, 2014.

  
\_\_\_\_\_  
Mayor, Alice Murphy

  
\_\_\_\_\_  
Cheryl Mortimer, Clerk



Source: Parcel Fabric - First Base Solution

**Bala Heritage Conservation District Study Area - Property Ownership**

**LEGEND**



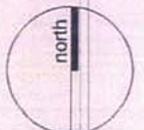
Proposed Heritage Conservation District Boundary

DATE: May 2014

SCALE: 1:3,000

FILE: 12174BE

DRN: CAC



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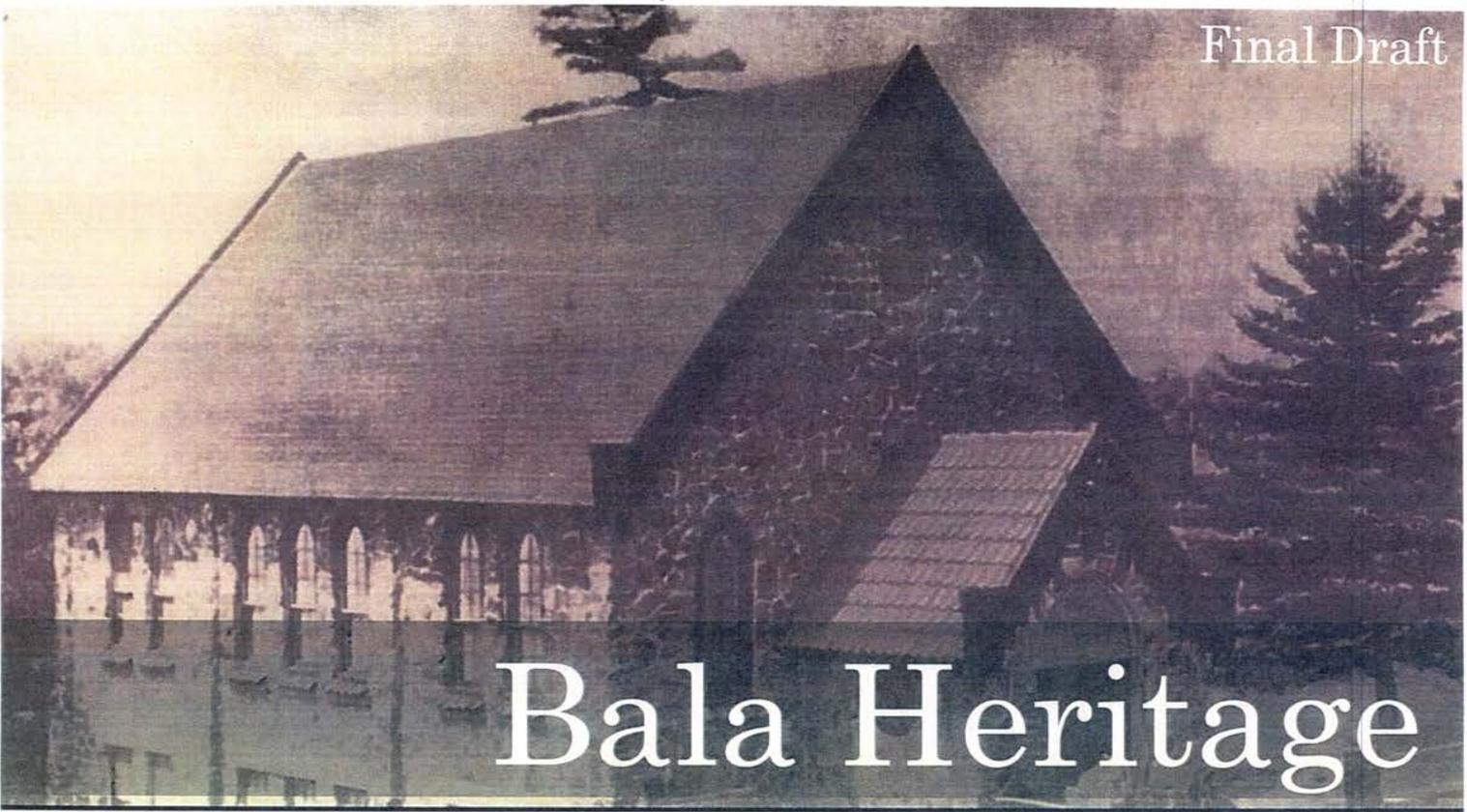
**SCHEDULE "A" TO BY-LAW 2014-131**

Bala, Ontario  
Township of Muskoka Lakes

**MHBC** PLANNING  
URBAN DESIGN  
& LANDSCAPE  
ARCHITECTURE

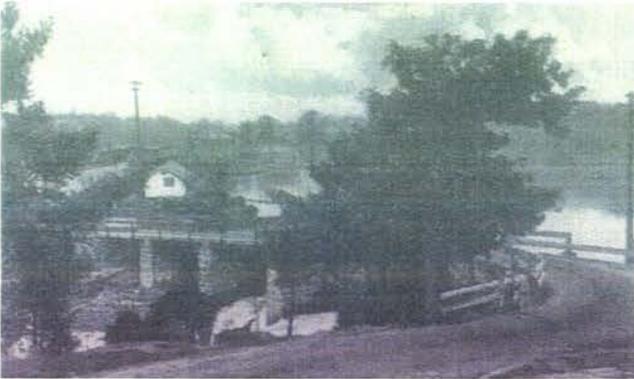
210 543 BINGEMANS CENTRE DR. KITCHENER, ON, N2B 3Y9  
P: 519.576.3650 F: 519.576.1121 | WWW.MHBCPLAN.COM

Final Draft

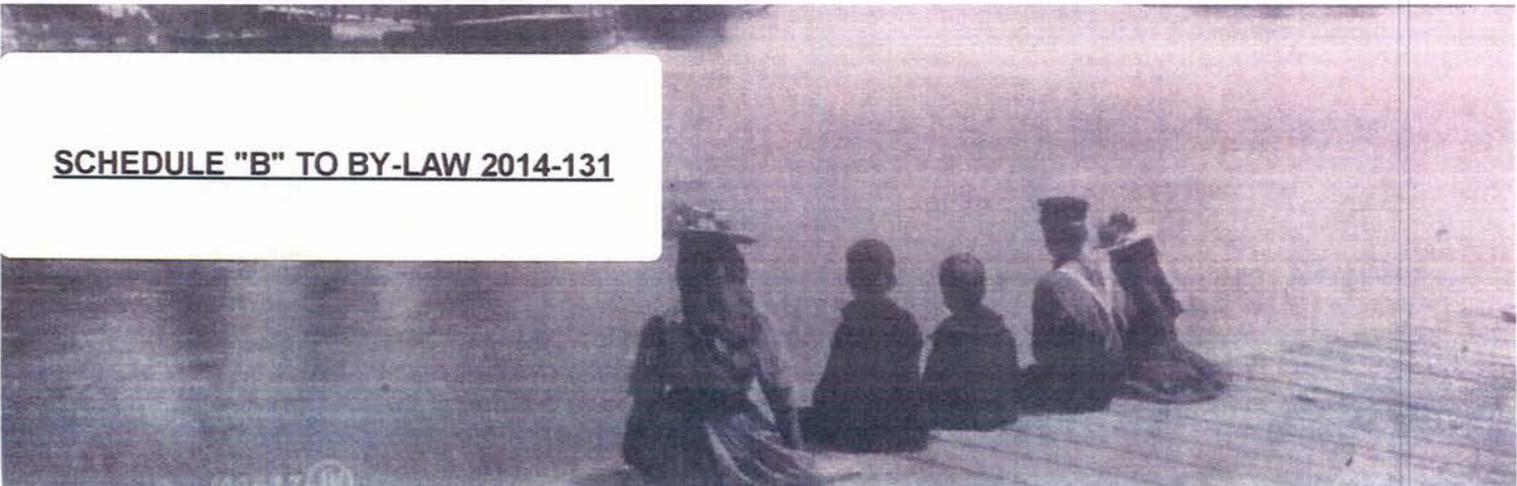


# Bala Heritage

## Conservation District Plan



SCHEDULE "B" TO BY-LAW 2014-131



# Bala Heritage Conservation District Plan

(Final Draft)

Prepared for:

The Township of Muskoka Lakes  
August 2014



## Table of Contents

<b>1.0</b>	<b>Introduction .....</b>	<b>1</b>
1.1	Background.....	1
1.2	Purpose of the Heritage Conservation District Plan.....	3
1.3	Provisions of the Ontario Heritage Act.....	4
1.4	Who should use this Plan?.....	4
<b>2.0</b>	<b>Intent of the Heritage Conservation District Plan .....</b>	<b>6</b>
2.1	Bala Heritage Conservation District Statement of Cultural Heritage Value: Why is Bala important?6	
2.1.1	Description of heritage attributes.....	7
2.2	Overall intent.....	8
2.3	Conservation management approach.....	8
2.4	Objectives of the proposed designation of the Bala Heritage Conservation District.....	9
<b>3.0</b>	<b>Guidelines for managing change to properties .....</b>	<b>11</b>
3.1	Built features.....	12
3.1.1	Buildings.....	12
3.1.2	Bridges.....	15
3.1.3	Water control features.....	16
3.1.4	Roads.....	17
3.1.5	Railways.....	18
3.2	Open space areas, Landscape and Streetscape.....	19
3.2.1	Parkland and open space.....	19
3.2.2	Public realm.....	20
3.2.3	Vegetation.....	23
3.2.4	Parking Lots.....	24
3.3	Water features.....	25
3.4	Views and vantage points.....	26
3.5	Adjacent lands.....	28

<b>4.0 Exemptions from heritage permit requirements.....</b>	<b>32</b>
4.1 Introduction.....	32
4.2 Exemptions for buildings.....	33
4.3 Exemptions for bridges, water control features, roadways and railways.....	34
4.4 Exemptions for open space areas.....	34
4.5 Emergency work.....	35
<b>5.0 Heritage Conservation District Plan Review Process .....</b>	<b>36</b>
5.1 Introduction.....	36
5.2 Direction related to Heritage Conservation District Plan review.....	36
<b>6.0 Municipal implementation.....</b>	<b>37</b>
<b>Appendix A.....</b>	<b>38</b>

## List of Figures

<b>Figure 1:</b> Proposed Bala Heritage Conservation District boundary .....	<b>2</b>
<b>Figure 2:</b> Significant views within the proposed Heritage Conservation District.....	<b>27</b>
<b>Figure 3:</b> Lands adjacent to the Bala Heritage Conservation District.....	<b>29</b>

## 1.0 Introduction

### 1.1 Background

The Bala Heritage Conservation District Study project was initiated by the Township of Muskoka Lakes (one of six lower-tier municipalities in the upper-tier municipality of the District of Muskoka Lakes) who issued a Request for Proposal to engage a consultant to prepare a Heritage Conservation District Study for Bala, in accordance with the requirements of the *Ontario Heritage Act*.

The Township of Muskoka Lakes retained MHBC in August 2013 to undertake a Heritage Conservation District Study for an area located within the community of Bala. The study area examined for this Heritage Conservation District study consists of primarily publicly owned land, including lands owned by the Township and the District of Muskoka; Crown properties as well as lands owned by the Canadian Pacific Railway and one private property. The study area is shown in Figure 1. The key descriptors for the proposed boundary of the study area are as follows:

- The eastern boundary is the eastern side of Bala Falls Road from the southern intersection with Muskoka Road 169 to the south-east corner of South Bala Falls Bridge, and then northward towards the north-east corner of the Steamship Wharf Bridge (aka Access Bridge).
- The northern boundary is from the north-east corner of the Steamship Wharf Bridge to the north-west corner of Mill Stream Bridge.
- The western boundary is on the west side of the District Highway from the north-west corner to the south-west corner of the Mill Stream Bridge, east to the south-west corner of the CP railway bridge, south along the western side of the CP railway line to the north-east corner of the Township parking lot, west to the western side of the District Highway, south to the north-east corner of Margaret Burgess Park, westward along the northern side of Margaret Burgess Park to the Moon River, and then the southward view line towards the southern intersection of the District Highway and Bala Falls Road.

The study area contains the north and south falls, all of Burgess Island, and part of Portage Island which also includes Margaret Burgess Park.

A **Preliminary Findings Report** was prepared in December 2013, and provided historical and documentary research of the study area. In February 2014, after review of the Preliminary Findings Report, the Township of Muskoka Lakes authorized MHBC to continue with the preparation of the Heritage Conservation District Study.

The **Heritage Conservation District Study** was prepared in June 2014 and released for public review. This report included historical research, inventory of study area features and identification of the heritage value and significance of the study area. The Heritage Conservation District Study also provided more detailed rationale and assessment of the study area, and provided a recommendation regarding the creation of a Heritage Conservation District within Bala. The report concluded that there was merit in creating a Heritage Conservation District for Bala, and recommended that a Heritage Conservation District Plan be prepared. The following **Figure 1** depicts the recommended District boundary.



Figure 1: Proposed Bala Heritage Conservation District boundary.

MHBC began work on the Bala **Heritage Conservation District Plan** in early summer 2014, and held a community workshop meeting on July 24<sup>th</sup>, 2014. The meeting provided an opportunity to present the findings of the first phase of work, and introduce the work being undertaken to prepare a draft Heritage Conservation District Plan. A workshop portion of the meeting provided an opportunity for the community to provide input into the development of the Heritage Conservation District Plan. Attendees of the workshop were asked to direct their input towards the following topics:

- If new construction or alterations were to occur within the district, what aspects should guide the development?
- What are the important considerations for the conservation of public open space areas within the district?

- How should the transportation infrastructure be addressed in the Heritage Conservation District Plan?

This document represents the culmination of the input received to date, and is presented to the public and agencies for review and consideration based on our professional expertise and consideration of the input provided by the community and municipality.

## 1.2 Purpose of the Heritage Conservation District Plan

The purpose of the Bala Heritage Conservation District Plan is to provide guidance in the management, care and protection of the heritage character of the District, notably the distinctive rocky landforms located between lake and river, the vegetation, the dense transportation network of roads, railway and bridges, as well as the falls at the north and south channels. The area is also distinct for the associative values of many of the sites within the study area that represent the historical development of Bala. A component of the District Plan also provides recommendations for action by the Township of Muskoka Lakes to consider in the future. These actions are related to refinements to the Official Plan, Zoning By-law, other Municipal By-laws, financial incentives, and management of a heritage permit system.

The Bala Heritage Conservation District Plan consists of the following sections:

**Section 1** explains the provisions of the *Ontario Heritage Act* and contains those provisions that are legally required to be fulfilled, notably a statement of objectives, a statement of cultural heritage value and a description of the District's heritage attributes.

**Section 2** provides a statement of intent for the Heritage Conservation District and recognizes roles and responsibilities in the management of the District.

**Section 3** provides the key guidelines for managing change to property within the District.

**Section 4** provides a description of those alterations and classes of alterations that are exempt from regulation under Part V of the *Ontario Heritage Act*.

**Section 5** provides recommendations regarding a regular review process for the Bala Heritage Conservation District Plan.

**Section 6** provides recommendations regarding implementation of the Bala Heritage Conservation District Plan for consideration by the Township of Muskoka Lakes.

**Appendix A** contains a glossary of terms and definitions.

It is worth emphasizing that the District Plan is intended to provide a minimum level of guidelines for physical change within the district over the coming years. Specific design solutions for each property are left to the property owner, their builders, architects, landscape designers, planners and engineers, as advised by Township staff and committees reporting to Council in the implementation of these guidelines.

### 1.3 Provisions of the Ontario Heritage Act

The *Ontario Heritage Act* provides clear requirements for the content of Heritage Conservation District plans. Subsection 41.1 (5) of the Act provides that a Heritage Conservation District Plan shall include:

- "(a) a statement of the objectives to be achieved in designating the area has a Heritage Conservation District;*
- (b) a statement explaining the cultural heritage value or interest of the Heritage Conservation District;*
- (c) a description of the heritage attributes of the Heritage Conservation District and of properties in the district;*
- (d) policy statements, guidelines and procedures for achieving the stated objectives and managing change in the Heritage Conservation District; and*
- (e) a description of the alterations or classes of alterations that are minor in nature and that the owner of property in the Heritage Conservation District may carry out or permit to be carried out on any part of the property, other than the interior of any structure or building on the property, without obtaining a permit under section 42.2005, c.6,s.31."*

The following subsections 1.4 and 1.5 contain the required Plan components provided for in (a), (b) and (c). The requirements set out in (d) are found in Sections 3 and 4 and those in (e) are described in Section 5.

### 1.4 Who should use this Plan?

There may be a number of interests within the Bala Heritage Conservation District. The contents of this Plan are intended for use by:

- Property owners within the Heritage Conservation District
- Municipal Planning staff
- Municipal Heritage Committee
- Council

Property owners in the district are considered to be the primary custodians of the Bala Heritage Conservation District. The Municipal Heritage Committee, Planning Staff and Council shall be involved in the approval of Heritage Permits for managing change within the District. All residents and property owners within the Bala Heritage Conservation District shall be afforded fair and equitable consideration in the determination of heritage permit applications within the District. Adjacent property owners are encouraged to consult the Plan when making major changes to the property to determine how their property can continue to contribute to, or enhance, the Heritage Conservation District.

Bala, Township of Muskoka Lakes  
Heritage Conservation District Plan (Final Draft)

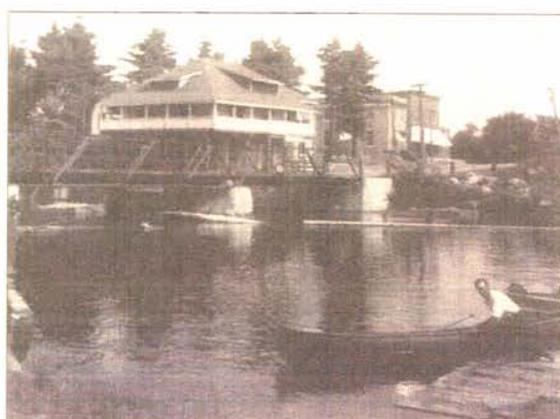
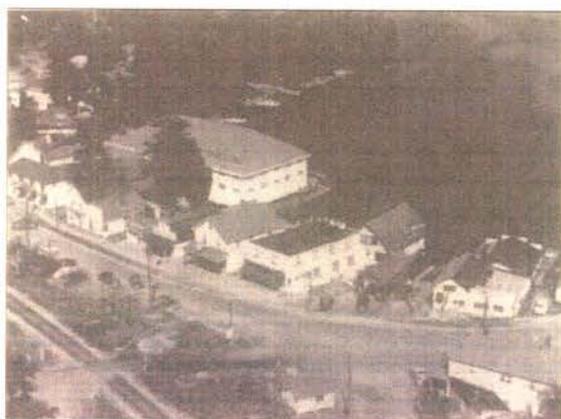
The actions and directions of this Plan are directly applicable to the lands in the study area owned by the public and private landowners. However, some of the lands within or adjacent to the Bala Heritage Conservation District are owned and/or operated by others such as the Provincial Crown (Ministry of Natural Resources and Ministry of Transportation) and private landowners. It is recognized and understood that the Heritage Conservation District does not apply to provincially owned properties. It is hoped that these lands will be managed in a compatible manner and that these guiding principles may be considered during planning of future work.

## 2.0 Intent of the Heritage Conservation District Plan

### 2.1 Bala Heritage Conservation District Statement of Cultural Heritage Value: Why is Bala important?

The combination of built features, streetscape, open space and natural landscape elements within the study area is the result of human intervention on the Muskoka landscape. Elements within the study area are physical remnants or reminders of the various developments and themes in Bala's history, including aboriginal use, early settlement, the timber industry, tourism and seasonal residency, and transportation. There are a relatively small number of built features in the study area, and the types are limited to vernacular structures and bridges.

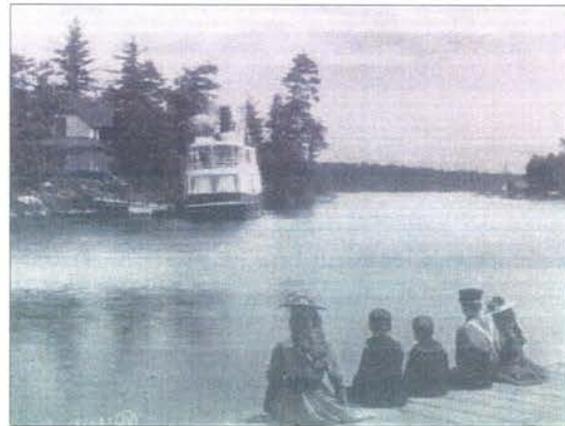
The built features and streetscape/landscape/open space character of the area is interrelated to the natural environment, having been shaped by it, and also by having shaped it. Views of Muskoka Lake, the Moon River, the North and South Falls, rocky shorelines and vegetation are available from several locations within the study area. The character of the area is representative of the Muskoka Area, but also unique to the community of Bala in the precise location and configuration of water, land, and human-made elements.



The character of the study area has already been recognized for having cultural heritage value or interest. Four properties within the study area have been designated under Part IV of the *Ontario Heritage Act* (Portage Landing [Burgess Island] on the Moon River, the Shield Parking Lot, the Township Dock on Lake Muskoka and the Burgess Memorial Church) for their physical or design values, historical or associative values, and contextual values. The twin stem Silver Maple Tree on Burgess Island and the White Pine grove in Margaret Burgess Park have been nominated for designation as Heritage Trees under Part IV of the *Ontario Heritage Act*.

Physical elements of the study area have changed and will continue to change over time. Many built resources from Bala's early history have been removed or modified, but have been commemorated and continue to be valued by the community. The associative values of the study area, experienced by views to the lake, river and falls are an important component in maintaining the character of Bala. Human desire to experience the landscape (both natural and human-made) has been well articulated since the Romantic

era, where elements of the 'sublime' and 'picturesque' in the landscape captivated the human spirit, and provided outlets for contemplation, spirituality, recreation and relaxation. These values became translated to the Canadian 'wilderness' in the 19th and 20th centuries, where the experience of nature and naturalized features was valued for its beauty and restorative power, and the northern landscape became a symbolic interpretation of the Canadian frontier. These elements contributed to the historical development of Bala as a tourist and recreational location, and continue to characterize the study area for present-day residents and visitors.



### 2.1.1 Description of heritage attributes

- Open space character of the cultural landscape with few buildings but significant landscape features.
- Low profile built structures
- Transportation network of roads, railways and bridges
- Water features (Bala Bay, the Moon River, north and south falls, the Mill Stream)
- Rocky shorelines and vegetation alongside the water features
- Properties designated under Part IV of the *Ontario Heritage Act* (Burgess Memorial Church, Portage Landing on the Moon River, the Township Dock on Lake Muskoka and the Shield Parking Lot)
- Views from vantage points within the boundary of the water features

There are a number of different values and interests in any given Heritage Conservation District, and these values and interests often vary greatly amongst different districts, making each Heritage Conservation District a unique area that requires its own tailored management approach. The following sections describe the overall intent of the Bala Heritage Conservation District Plan and how it is intended to be used.

## 2.2 Overall intent

At its most basic level, the Heritage Conservation District Plan is intended to provide clear guidance on how change should be managed within the Bala Heritage Conservation District. More specifically, the intent of the plan is to provide guidance on:

- Decisions about applications for alterations, new construction and demolition within the Heritage Conservation District;
- Implementation of this Plan, including initiatives to conserve the character of the Bala Heritage Conservation District;
- Initiating appropriate public works, improvements within the District to enhance the character of the Bala Heritage Conservation District;
- Complementing these actions by making appropriate amendments of Official Plan policies and Municipal by-laws.

The intent of this Plan is not to prohibit change within the district, or to freeze it in time. In fact, many types of change are encouraged, such as restoration and in some cases, alteration or new construction. The intent of this Plan is to provide a framework for the management of change so that when changes do occur within or adjacent to the district, they are appropriate in enhancing or contributing to the character of the district.

## 2.3 Conservation management approach

The intent of this Plan is to manage change within the Bala Heritage Conservation District. District designation under Part V of the *Ontario Heritage Act* does not prohibit change within a Heritage Conservation District, nor does it require that all properties must be restored or transformed to a certain historical period. District designation provides the mechanism for the municipal review and approval or rejection of heritage permit applications for changes to public and private properties within the District. Owners of heritage properties designated under Part V are not required to restore their property as part of becoming a Heritage Conservation District. However, applications to alter, restore or otherwise modify a property are subject to approval of a heritage permit that may require changes to be in keeping with the character of the District.

A number of guiding principles have been identified to inform the management policies of the Bala Heritage Conservation District. The guiding principles are drawn from current best practices and will help address the management of change in a continually evolving area. The guiding principles are:

- **Conservation**
  - Study area resources should be preserved whenever possible.
  - Study area resources should be restored whenever possible.

- Study area resources should be rehabilitated whenever possible, or new and compatible uses should be found whenever possible.
- **Accessibility**
  - Study area resources should be physically accessible, including barrier free access or design, wherever possible. Increased linkage between suitable sites and resources to allow visitor access will be encouraged.
  - Information about the wealth of natural and historical resources in the study area should be made accessible to the community, including interpretive material and linkage to the various sites and resources.
- **Sustainability**
  - Existing or proposed activities in the study area should be environmentally sustainable.
  - Existing or proposed activities in the study area should be economically sustainable.
  - Existing or proposed activities in the study area should be socially sustainable, meaning that effort should be made to ensure the area and its resources are continually relevant to present and future generations to ensure interest and use of the site.

It is recognized that there are properties within and/or adjacent to the study area that are owned by the Federal or Provincial government and therefore are not subject to the guidance and direction of a Heritage Conservation District Plan. Notwithstanding that these lands are not subject to Heritage Conservation District Policies, they contribute to the character of the heart of Bala. Heritage conservation on these lands may be managed by different systems, including Environmental Assessments and standards and guidelines for provincial heritage properties. While Heritage Conservation District guidelines are not applicable or cannot be enforced for these lands, it is the intent of this Plan to encourage that changes to these lands should be consistent with the character of the Bala Heritage Conservation District. The guidelines will also be useful in the event that any currently provincially-owned lands are transferred into Municipal or private ownership.

## **2.4 Objectives of the proposed designation of the Bala Heritage Conservation District**

In addition to the intent of the Plan as described previously, there are a number of specific objectives that are sought in designating the Bala Heritage Conservation District:

- To conserve and enhance the cultural heritage value of the district to ensure that future generations will have the opportunity to experience this continuing and evolving cultural landscape of the District.
- To conserve the links to the historical associations of the district's past to remain present and well articulated in the built form, landscape, streetscape and views in the district.

Bala, Township of Muskoka Lakes  
Heritage Conservation District Plan (Final Draft)

- To allow for the continuation of a variety of forms of access and transportation to the District and within the District (pedestrian, cyclist, motor vehicle, watercraft, railway) to encourage continued use and vitality of the district.
- To support the continuing care, conservation and maintenance of heritage properties by providing guidance on sound conservation practice.
- To encourage the maintenance and protection of the open spaces within the District and avoid adverse impacts of public undertakings.
- To permit new development that respects or otherwise complements the character of the existing heritage features and landscapes within the District.
- To encourage improvements that respect the historical associations and attributes of the area as well as promote a pedestrian friendly environment that links the District to adjacent areas.
- To promote appropriate gateway features at the northern or southern entrances to the district that respects the heritage character of these important entranceways into the district.

### 3.0 Guidelines for managing change to properties

This section provides the guidelines to be applied when changes are considered within the Bala Heritage Conservation District. In order to conserve the character of the district, the guidelines in this section have been created in response to the following questions regarding changes in the district:

- Does the alteration negatively impact the character or heritage attributes of the Bala Heritage Conservation District?
- If it does not detract from the character or heritage attributes, then the remaining matters to be addressed may be simply a matter of design or “good fit” and a heritage permit may be approved or approved with conditions.
- If the alteration involves only the minor loss of character elements, heritage materials or attributes (and is considered to be a lesser matter in the overall scheme of alterations) and which would generally benefit the district by supporting a new or adaptive re-use or contribute to an improved building form or addition to the streetscape or open space areas, then again a heritage permit may be reasonably approved or approved with conditions.
- Where the alteration involves the substantial loss of character or heritage attributes, i.e., it is so overwhelming or flagrant that it would be considered to have adverse effects upon the property and District then it is reasonable to either refuse such proposed change or advise on a more appropriate and acceptable form of alteration.

Decisions may be guided by 8 principles which lay out a straightforward approach to planning for the conservation of historic structures. These guidelines are written primarily for the conservation of buildings, but in some cases are also appropriate for the conservation of streetscape, landscape and open space areas. These principles are contained in a Ministry of Culture Information Sheet published in 2007:

- 1) **Respect for documentary evidence:** Do not base restoration on conjecture. Conservation work should be based on historic documentation such as historic photographs, drawings and physical evidence.
- 2) **Respect for the original location:** Do not move buildings unless there is no other means to save them. Site is an integral component of a building or structure. Change in site diminishes cultural heritage value considerably.
- 3) **Respect for historic material:** Repair/conservate rather than replace building materials and finishes, except where absolutely necessary. Minimal intervention maintains the heritage content of the built resource.
- 4) **Respect for original fabric:** Repair with like materials. Repair to return the resource to its prior condition, without altering its integrity.

- 5) **Respect for the building's history:** Do not restore to one period at the expense of another period. Do not destroy later additions to a building or structure solely to restore to a single time period.
- 6) **Reversibility:** Alterations should be able to be returned to original conditions. This conserves earlier building design and technique, e.g. when a new door opening is put into a stone wall, the original stones are numbered, removed and stored, allowing for future restoration.
- 7) **Legibility:** New work should be distinguishable from old. Buildings or structures should be recognized as products of their own time, and new additions should not blur the distinction between old and new.
- 8) **Maintenance:** With continuous care, future restoration will not be necessary. With regular upkeep, major conservation projects and their high costs can be avoided.

### 3.1 Built features

#### 3.1.1 Buildings

There are two buildings within the Bala Heritage Conservation District: The former Burgess Memorial Church (now privately owned) and the retail and boat rental Purk's Place (privately owned, but located on land owned by Canadian Pacific Railway).



The Burgess Memorial Church is designated under Part IV of the *Ontario Heritage Act*. The designating bylaw identifies a number of heritage attributes to be protected. The heritage permit process established for this Part IV structure should continue to be followed if alterations are proposed to the structure; namely that alterations that impact any of the identified heritage attributes should not be permitted without approval of a heritage permit. The general guidelines outlined below shall also apply.

The structure known as Purk's Place is privately owned and located on land owned by the Canadian Pacific Railway. The following general guidelines are provided to encourage that changes to the building continue to contribute to the heritage character of the area and respect the building's history.

### 3.1.1.1 Alterations

- a) There will be a presumption in favour of keeping the distinguishing heritage characteristics of a heritage property intact. The loss or removal of historical building materials, architectural detailing and landscaping will be considered as the least appropriate form of alterations, and shall be avoided. Design features of the heritage property, including buildings and surrounding lands should be maintained and enhanced with repair being preferable to replacement.
- b) In considering alterations that involve the repair, replacement or restoration of missing heritage features, work shall be guided by historical, physical, graphic or documentary evidence. Guesswork, conjecture and speculation should be avoided and the use of new materials should match the existing composition, texture, size and level of craftwork as closely as possible.
- c) Contemporary design of alterations may be permitted where they:
  - do not harm, damage or remove valued heritage property, features and other distinguishing historical, architectural, streetscape or cultural features, and
  - are of size, location and material that is compatible with the character of the property, building, landscape or streetscape.
- d) Alterations and changes that have occurred in the past may be of heritage value in their own right and add to the cumulative history and architectural value of a property and should be conserved.
- e) Proposed changes should be based on conservative or minimalist approaches that avoid the removal or loss of too much material, cleaning too vigorously or making buildings look inappropriately "historical".

### 3.1.1.2 Additions and new construction

- a) New construction should be a product of its own time and not pretend to be historic by incorporating detail that is inappropriate in contemporary construction. Contemporary design is permitted. New design may be a contemporary interpretation of historic forms and styles, but attempts at replicating historic buildings are discouraged.
- b) New construction within the Bala Heritage Conservation District may build to the acceptable limits of the Township of Muskoka Lakes Zoning By-law. Building heights within the I and C3 zones of the Heritage Conservation District are permitted to a maximum of 30 feet or three storeys (C3) and 40 feet or four storeys (I). New construction must be compatible with massing, scale, and general

character of buildings in the District. The Township is working to update the Zoning By-law, and the maximum building height within the C3 zone will increase to 40 feet.

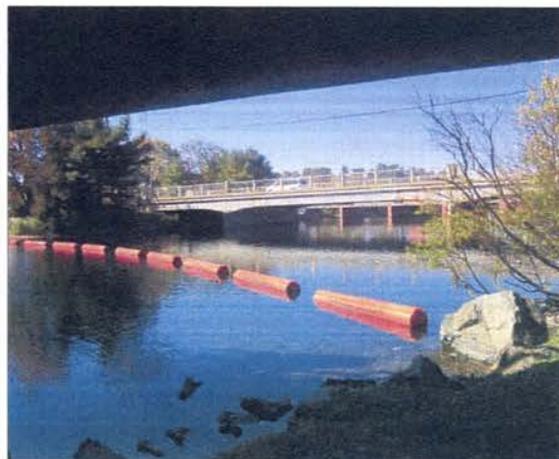
- c) Exterior additions are encouraged to be located in an unobtrusive manner, set back from the primary building façade where possible, and of a size and scale that complements the existing building.

### **3.1.1.3 Demolitions**

- a) The demolition and relocation of heritage buildings in the Heritage Conservation District is discouraged.
- b) Demolition will be permitted in situations where:
  - o The building has been damaged by a natural disaster (fire, flood, earthquake, etc).
  - o Public health and safety is considered to be compromised and the Township of Muskoka Lakes Chief Building Official has received structural assessment advising that a building or structure is beyond repair and has been determined to be unsafe. The economic feasibility of repair may also be considered. The assessment must be prepared by a professional engineer with expertise and experience in heritage buildings and structures.
- c) If a building is proposed to be demolished or relocated for reasons under (b) above, the requirements for a heritage permit may be waived but it will be expected that in lieu of a heritage permit, the property owner shall retain an appropriately qualified heritage professional to record the building or the remains of the building through photography and/or measured drawings. Such recording shall be guided by existing structural conditions and the level of access that is considered by the Chief Building Official (or appropriate Emergency Responders) to be safe.
- d) If buildings within the Heritage Conservation District are to be considered for demolition or relocation other than the reasons listed in (b) above, approval of a heritage permit will be required. Buildings shall be recorded prior to their demolition.

### 3.1.2 Bridges

There are a number of bridges within the Bala Heritage Conservation District that provide road, rail, and pedestrian transportation. The concentration of bridge structures in close proximity to each other contributes to both the visual character of the area, and its historical use as a transportation hub.

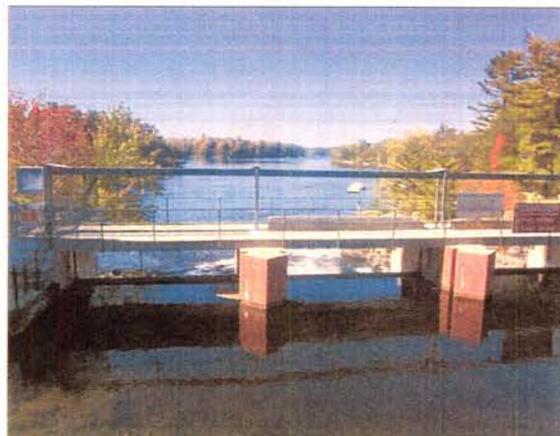
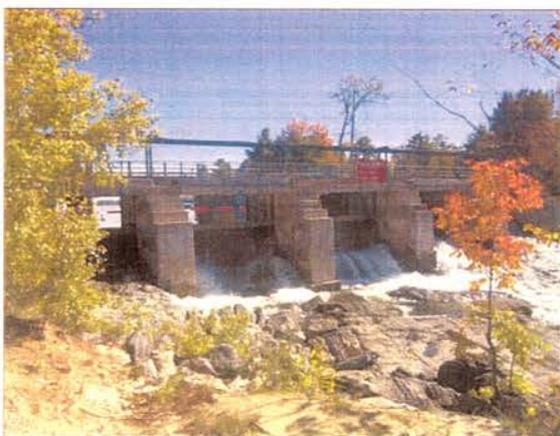


It is the presence of crossings and the opportunities they provide that are of primary value to the Heritage Conservation District. As such, the following guidelines shall apply.

- a) The demolition of existing bridge structures without replacement is strongly discouraged. If, in the future, bridges are no longer required to serve their intended purpose (e.g. road and rail bridges), opportunities should be explored to retain or convert them for pedestrian or trail usage.
- b) The replacement of bridges, major modifications (e.g. by widening or twinning) to existing bridge structures or new bridges, typically requires an environmental assessment. A Cultural Heritage Evaluation Report and/or a Heritage Impact Assessment will be required as part of the Environmental Assessment Process. Unless noted otherwise through a Heritage Impact Assessment, changes to bridges are permitted within the Heritage Conservation District.
- c) If the construction of entirely new bridge crossings is required within the study area at some point in the future, an environmental assessment will likely be required. This process shall be adhered to.
- d) Sidewalks for pedestrian use are encouraged on any redevelopment of existing bridges to enhance pedestrian connectivity throughout the Heritage Conservation District.
- e) Minor alterations for the ongoing maintenance of bridges are permitted.
- f) The existing road bridges in the Heritage Conservation District have open railing systems that allow for views of the water and scenery. Open railing systems on bridges should be maintained or, when necessary, replaced with similar open rail systems that continue to allow views.

### 3.1.3 Water control features

Dams of some form have been located at the study area since shortly after the arrival of Euro-Canadian settlers in the late 1860's, and have remained key features of the landscape. Dams provided the water-power necessary for early mills, and later for hydroelectric power generation. They also created a way of regulating lake water to allow for steamships to enter Bala, bringing settlers, tourists and supplies. Water control features (dams) in Bala are owned by the Provincial Crown and are not subject to the guidance of a Heritage Conservation District Plan. Notwithstanding ownership, the water control features and their function in creating the two sets of falls contribute greatly to the character of the Bala Heritage Conservation District.



If, in the future, ownership of the water control features is transferred to a public or private landowner, the following guidelines shall apply:

- a) The demolition of water control features (without replacement) is strongly discouraged.
- b) When water control features are to be replaced, opportunities to enhance public accessibility, connectivity, and views through viewing platforms will be encouraged where possible.
- c) When necessary, replacement of water control features with new structures of similar size and scale and with similar flow control options is encouraged.
- d) Alterations for the ongoing operation of the water control features are permitted and do not require a heritage permit.

### 3.1.4 Roads

There are two roads within the Bala Heritage Conservation District: Bala Falls Road, and Muskoka Road 169. Bala Falls Road began as the 19<sup>th</sup> century Colonization Road, linking early communities in Muskoka. Highway 169 was constructed in the 20<sup>th</sup> century to relieve traffic congestion and provide a more direct route for automobiles. Both roads contribute to Bala's character and history as a popular summer destination. They are part of the important transportation network that is centered in the heart of Bala. Within the District, roads are owned by both the Township of Muskoka Lakes and the District of Muskoka. Both are subject to the policies of this Plan.



The following guidelines shall apply:

- a) Minor alterations for the ongoing maintenance of roads are encouraged.
- b) Major alterations, such as realignment or widening will typically require a Cultural Heritage Evaluation Report and/or a Heritage Impact Assessment as part of the Environmental Assessment Process. The potential adverse impacts of proposed development would be assessed through this process.
- c) On-street parking for local businesses and open space areas on Bala Falls Road is an important factor in contributing to the vitality of the area. On-street parking should be maintained and landscape improvements to enhance the pedestrian environment in these areas should be considered by the municipality as part of capital improvement projects.

#### 3.1.4.1 Traffic calming measures

There is increasing interest in municipal traffic management practices to provide for better pedestrian safety. Traffic calming features in the streetscape have dual purposes: one purpose is to introduce features or devices that require the motorist to reduce speed, and the second purpose is to provide improved landings, bump-outs, medians, or cross walks that increase safety for pedestrians wishing to cross the

street. These features did not traditionally form part of the historical streetscape but their addition is compatible with enhancing the connectiveness and is considered reversible.

If traffic calming initiatives are considered in the future, the following guidelines apply:

- a) Pedestrian crossing opportunities shall be permitted, particularly to promote safe crossings for canoeists, portagers or other boaters travelling between the Moon River and Lake Muskoka, for pedestrians crossing between the Portage Landing parking lot and local businesses, or for pedestrians crossing from Muskoka Road 169 to Bala Falls Road.
- b) Traffic calming measures for Muskoka Road 169 are permitted.

### 3.1.5 Railways

The construction of the railway in the early 20<sup>th</sup> century resulted in further changes to the landscape of the study area, as additional bridges were constructed to provide rail and road access. At present eight bridges are located within the study area. The arrival of the railway in Bala between 1904 and 1906 also brought tourists, cottagers and supplies to the area. The second station built in Bala was constructed near the lake (on a ridge between the tracks and the steamboat wharf), and connected to the steam boat dock by ramp. The railway stations no longer exist, and the railway line no longer carries passengers. However, presence of the railway in the Heritage Conservation District is an important contribution to the visual character and historical associations to Bala's past, and continued operation of the railway consistent with the character of the Heritage Conservation District. This Plan supports the continued operation of the railway.

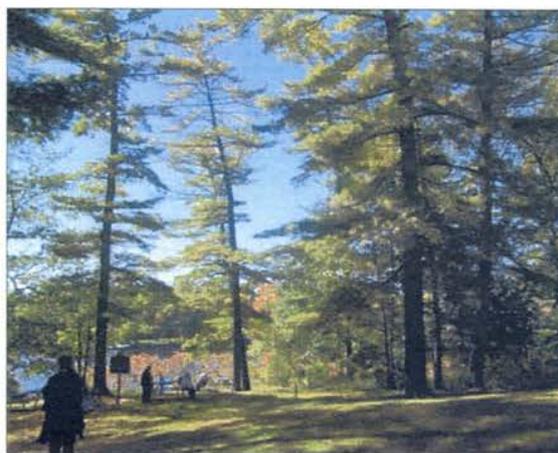
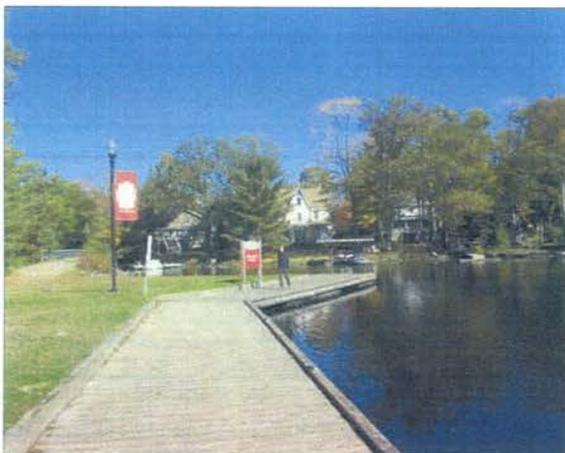
- a) Minor alterations for the ongoing operation of the railway are permitted.
- b) Major alterations, such as realignment or widening of a railway will typically require initiation of an Environmental Assessment. Heritage Impact Assessments prepared as part of an Environmental Assessment should consider the historical importance of the rail line to the community of Bala, and ways in which the major alteration can continue to contribute to the character of Bala.
- c) This Plan supports and encourages the expansion of the railway to include passenger travel. Platforms and stations associated with passenger travel would be acceptable additions to the Heritage Conservation District.
- d) If at some time in the future the railway corridor and associated lands are no longer used for railway transportation and there is an opportunity for public ownership, the Municipality should consider obtaining the lands for the purposes of a pedestrian trail to enhance connectivity and open space use in the Heritage Conservation District.

## 3.2 Open space areas, Landscape and Streetscape

### 3.2.1 Parkland and open space

There are several parks and open space areas in the core of Bala: Margaret Burgess Park, Legris Park (Diver's point), the Township Docks on Lake Muskoka and the open space area that includes the cenotaph, the south falls, and Bala Falls Road. These park and open space areas are an important part of Bala, providing opportunities for recreational activities, views of the water, and a setting for vegetation, rocky shield and other landscape features. Margaret Burgess Park and Legris Park are owned by the Provincial Crown, and guidelines of the Heritage Conservation District Plan are not applicable to these lands. The cenotaph lands are partially owned by Canadian Pacific Railway and partially owned by the Township of Muskoka Lakes.

The Township Dock on Lake Muskoka and Portage Landing on the Moon River are designated under Part IV of the *Ontario Heritage Act*. The designating bylaw identifies a number of heritage attributes to be protected. The heritage permit process established for these Part IV properties should continue to be followed if alterations are proposed to the property; namely that alterations that impact any of the identified heritage attributes should not be permitted without approval of a heritage permit. The general guidelines outlined below shall also apply.



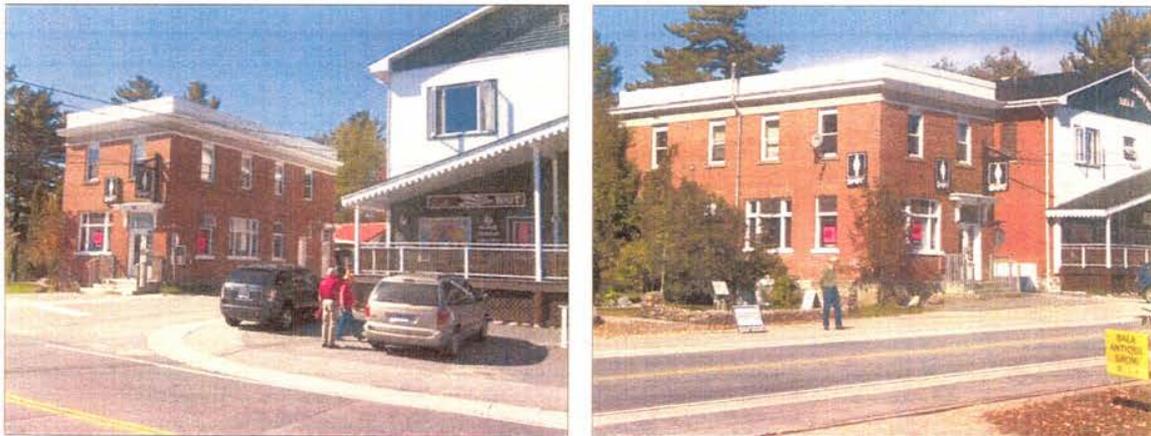
The following general guidelines apply to appropriate areas. Land owners not subject to the Heritage Conservation District Plan are encouraged to follow the guidelines to enhance the local community.

- a) Park areas should be retained and maintained as required. Where they currently do so, parks should continue to provide viewing areas of the Lake Muskoka, Bala Bay, the Moon River and the north and south falls. Opportunities to enhance views from these areas are permitted.
- b) Street furniture (benches, waste disposal, bicycle racks, etc) is permitted and encouraged in park and open space areas. Installation of street furniture in public parks does not require a heritage permit.

- c) Park areas are defined by open space, vegetation or rock formations and a lack of built features. Built features shall be discouraged in park areas, unless they contribute to the public use and of the site (e.g. picnic pavilions). Any built features constructed in parks should be small in scale and complementary to the character of the district and surrounding area. Built features should enhance, not obstruct, views of water features.
- d) Where safe and possible, access to Lake Muskoka and the Moon River from public parks should be maintained. Where they do not currently exist, opportunities to provide safe access to the water for recreational uses from park areas is encouraged, such as boat launch areas, docks, stairs or ramps.

### 3.2.2 Public realm

The public realm within the district has undergone considerable change from the earliest period of settlement. As a result, there are no substantial above-ground remains of previous landscape and street features. The road rights-of-way have accommodated sidewalks, providing a pedestrian focus and allowing pedestrians access to adjacent properties. The sidewalks have also served to separate pedestrians from vehicles using the travelled portion of the road.



It is important that any alterations or additions to the streetscape ensure that there is accommodation and safety for pedestrians, as well as for other users including portagers, cyclists, and people with mobility limitations and visual challenges.

Notwithstanding this strategic approach, there are potential improvements and enhancements that are reversible and could be included within the public realm with little challenge, such as the addition of bike racks, and improved medians with planting and defined by curbs and additional turning lanes. All of these are designed to ensure safety for the pedestrian, as well as accommodate through traffic.

### **3.2.2.1 Connectivity and Accessibility**

The Bala Heritage Conservation District is located in the core of Bala. Since the 19<sup>th</sup> century, people have traveled to, and traveled within, the core in various ways. The transportation network within Bala has changed over time, but continues to play an important role in bringing people to the gathering places, commercial establishments, and recreational opportunities available at Bala's core. It is important that connectivity between the features of the Bala Heritage Conservation District be maintained and enhanced so that the district and surrounding area remain a vibrant place for residents and visitors.

Traditional road building and sidewalk materials used in the nineteenth century included plank construction for sidewalks and macadamised gravel and stone surfaces for road surfaces. These are clearly unsuitable and inappropriate for today's traffic. For accessibility and maintenance reasons, the use of concrete is appropriate for pedestrian areas and asphalt is appropriate in the travelled portion of the road. Streetscape features such as lighting standards, signage and street furniture may be added to District streets.

Improved separation between vehicles and pedestrians can be accommodated with the addition of crosswalks and bump-outs or islands that have a distinctive texture and colour and some amount of low contrast paving to assist visually challenged visitors and those in wheelchairs and scooters with crossing the street in safety.

The intention of any additions or alterations to the streetscape is to support the pedestrian environment and not compete with the visual character of the Heritage Conservation District core. The following guidelines apply.

- a) Changes in the District associated with improving accessibility are consistent with the Plan, and are permitted and encouraged.
- b) Urban design changes should ensure pedestrian comfort and interest through the provision of safe transition areas between the street and the sidewalk;
- c) Accommodation for pedestrians, portagers, vehicles, snowmobiles, and cyclists should continue to be balanced so that each use is provided for;
- d) Street parking should continue to be provided;
- e) Connectivity between publicly owned lands should be encouraged and/or enhanced.
- f) Demolition of bridge structures, without replacement, is strongly discouraged. Connectivity within the Heritage Conservation District provided by these structures should be encouraged. If in the future existing bridges are no longer to be used for their original purpose, the municipality should consider retaining these structures for pedestrian use.

- g) Changes associated with accessibility and connectivity do not require heritage permits, unless the changes involve road realignment, new construction, or demolition of existing bridges and structures. These changes require heritage permits.

### **3.2.2.2 Sidewalks**

The underlying principle for additions and alterations to sidewalks is that they should sustain accessibility and barrier free travel for pedestrians with a variety of needs. Intersections may be altered with the addition of low contrast surface textures.

There is a balance to be made between the smooth surface required by wheelchairs and the identification of landings at intersections for those with visual challenges. It is important that the choice of materials for alterations or additions complements those now found within the District. Concrete continues to be well-suited for the continuation for sidewalks, curbs, landings and other features in the streetscape accented with decorative pavers.

Changes to sidewalk materials and location within the District do not require heritage permits.

### **3.2.2.3 Street furniture**

Some street furniture is found within the pedestrian environment, including benches, waste / recycling receptacles, bicycle racks, and information or interpretive signage. Street furniture is important to the pedestrian environment within the Bala Heritage Conservation District. It is expected that street furniture will continue to change in the future as streetscape plans are revisited and further developed.

- a) As part of the ongoing management of the streetscape and in the absence of a streetscape management plan, alterations and additions of contemporary street furniture should aim at creating a cohesive pedestrian environment using similar materials and colours in the choice of street furniture.
- b) The placement of street furniture should not impede pedestrian movement.
- c) Street furniture of a historic design is not required within the Heritage Conservation District.
- d) The addition or removal of street furniture within the District does not require a heritage permit.

#### **3.2.2.4 Signage**

Signage within the Heritage Conservation District is generally limited to regulatory signs, banners, and interpretive or commemorative signage

- a) Pylon signs shall be discouraged within the District as they are visually intrusive and may limit the pedestrian space.
- b) Regulatory safety and directional signs such as traffic control signs will be permitted within the District, and are not required to be altered as a result of the designation of the District.
- c) It is important that existing visitor parking areas within the District continue to be identified with appropriate signage.
- d) Additional signage that distinguishes the area as a Heritage Conservation District is encouraged.

#### **3.2.3 Vegetation**

The vegetation in Bala is predominantly natural or naturalized, and is representative of plant species found in the Muskoka area. Specimen trees, open lawn, and perennial plantings are located in some parts of the District. The following guidelines shall apply with respect to vegetation in the Heritage Conservation District.

- a) Naturalized vegetation is an important contributor to the character of Bala as part of the Muskoka area and the “wilderness” experience that has been sought there since the late 19<sup>th</sup> century. While it is acknowledged that Bala has been settled and developed upon since that time, some remnants of naturalized vegetation within the study area shall be retained to continue supporting the district character.
- b) New tree plantings within the Heritage Conservation District should be contextually appropriate species, such as those found within the wider Muskoka area or are appropriate with the Muskoka vegetative character.
- c) New vegetation should be planted in such locations that it will not obstruct important views of the Moon River or Lake Muskoka.
- d) Perennial plantings in the public realm (e.g. in planters on sidewalks, bridge railings and light standards) are acceptable as they contribute to an attractive setting for the District.
- e) Unless otherwise specified in Section 4.2 (Exemptions) the addition or removal of vegetation within the District requires a heritage permit. The municipal Tree Preservation Bylaw shall be followed.

### 3.2.4 Parking Lots

There are two parking lots within the Bala Heritage Conservation District: the Portage Landing parking lot, and the Shield Parking Lot. The Shield Parking Lot is designated under Part IV of the *Ontario Heritage Act*. The designating bylaw identifies a number of heritage attributes to be protected. The heritage permit process established for this Part IV structure should continue to be followed if alterations are proposed to the parking lot; namely that alterations that impact any of the identified heritage attributes should not be permitted without approval of a heritage permit.

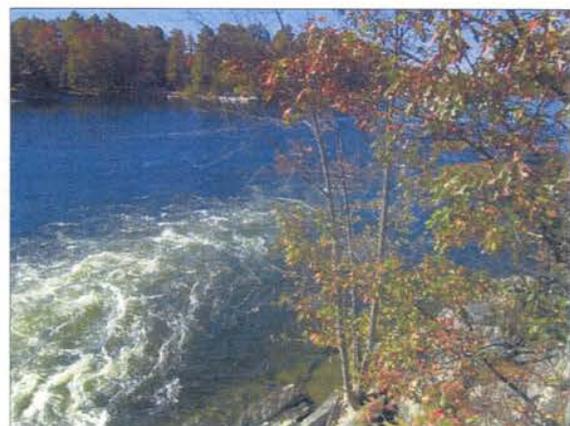
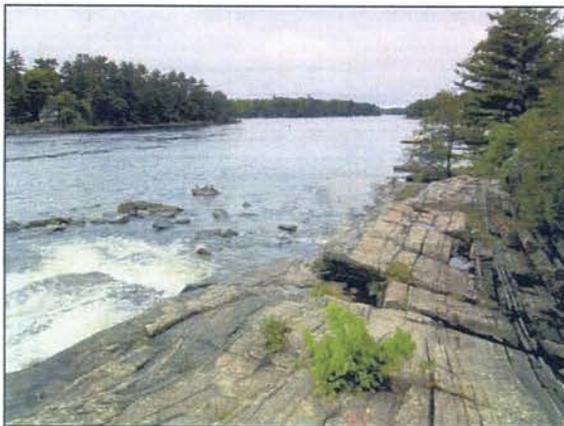
Both parking lots provide an important function in the Heritage Conservation District by providing a gathering place at the core of Bala. For example, the Shield Parking Lot provides a location for the Bala Farmers Market and Cranberry festival events. While the parking lots and these uses may not have longstanding historical ties to the area, they are part of the continual evolution of the cultural landscape and contribute to Bala's dynamic quality as a popular place of residence and tourist destination.

The general guidelines outlined below shall apply to parking lot areas:

- a) The parking lots support ongoing use of the Heritage Conservation District and should be retained and maintained as necessary.
- b) Opportunities to improve or provide safe pedestrian connectivity from parking lots to other areas of the Heritage Conservation District are permitted.
- c) Opportunities for streetscaping and landscaping improvements to parking lots may be considered and encouraged where they do not adversely impact heritage attributes of the designated lot, or the attributes and surrounding character of the Heritage Conservation District.
- d) Opportunities for public signage, wayfinding, local points of interest, interpretive or commemorative devices shall be encouraged where they do not adversely impact heritage attributes of the designated lot, or the attributes and surrounding character of the Heritage Conservation District.
- e) Should plans to develop the parking lots be considered, new construction shall abide by the guidelines identified in Section 4.1.1.2.

### 3.3 Water features

Lake Muskoka, the Moon River, the north and south falls and the Mill Stream are an integral component in the heritage character of Bala. It was through watercourses that the lands were first accessed by aboriginal peoples, cartographers, settlers, and early tourists. The regulation of water levels and the harnessing of waterpower were early human interventions on the landscape. Water both frames, and passes through the Heritage Conservation District, and has been the source of human transportation, industry and recreation. It is this confluence of land, water and human infrastructure that is one of the defining characteristics of Bala and gives it a sense of place.



It is understood that the north and south falls are regulated by dams controlled by the Provincial Crown, and that portions of the north and south falls, the bed of the Moon River, the bed of Lake Muskoka and the bed of the Mill Stream are Provincial Crown lands and not subject to the guidance of a Heritage Conservation District Plan. The following guidelines are provided to encourage conservation of the water resources that are important to the character of the Heritage Conservation District, the core of Bala, and the community.

In the event that ownership of these lands is transferred to public or private owners that are subject to the Heritage Conservation District Plan, the following shall apply.

- a) The north and south channels shall be retained.
- b) Regulation of the lake levels by water control features creating two sets of falls should be continued.
- c) Water flow from Lake Muskoka to the Moon River via the Mill Stream should continue.

### 3.4 Views and vantage points

The intent of this Plan with regards to views is to maintain the broader views from the District towards the horizon. These views contribute significantly to the character of the Heritage Conservation District, and have been valued since the late 19<sup>th</sup> century when the area became a popular summer tourist location. Protection of the views is specifically directed to ensuring that inappropriate changes that obstruct views do not occur on lands subject to the Heritage Conservation District Plan.



Protection and enhancement of views across the Moon River, the north and south falls, Lake Muskoka, and Bala Falls Road are important elements of the Bala Heritage Conservation District Plan (see **Figure 2** on the following page, outlining significant views and vantage points in the District). Views of the Lake and River are not concerned with the individual properties (including cottages, boathouses, docks) that line the Bay and River. These properties are not part of the Heritage Conservation District and are not subject to the Plan. These properties and their associated elements are part of the views, but they can and should continue to change and evolve over time as they have in the past. The following guidance is provided related to views:

- a) Any changes related to roads or open space that impact the ability to access vantage points on publically accessible lands within the District is discouraged.
- b) The view of Lake Muskoka terminates the view corridors to the east from the Township dock area, Legris Park, and the municipal road bridge. These views allow for a strong visual connection between Lake Muskoka and these areas. The views should be retained and not obstructed with any structures on lands subject to the Heritage Conservation District Plan.
- c) The view of the Moon River terminates the view corridors to the west from Margaret Burgess Park and Muskoka Road 169. These views allow for a strong visual connection between the Moon River and components of the transportation network. The views should be retained and not obstructed with any structures on lands subject to the Heritage Conservation District Plan.

Bala, Township of Muskoka Lakes  
Heritage Conservation District Plan (Final Draft)



Figure 2: Significant views within the proposed Heritage Conservation District.

- d) The addition of trees and other vegetation both on private and public property may be an acceptable enhancement in certain locations if there is potential to frame the views and enhance the streetscape character.
- e) In some locations, pruning or removing vegetation may be encouraged to maintain or enhance significant views.
- f) Views of the North and South falls are available from within the Heritage Conservation District from public property. These views allow for a strong visual connection between the falls and the Heritage Conservation District. The views should be retained and not obstructed with any structures, fixtures or inappropriate alterations on lands subject to the Heritage Conservation District Plan.

### 3.5 Adjacent lands

Lands adjacent to a Heritage Conservation District are not subject to the guidelines contained within a Heritage Conservation District Plan. Lands that fall within the definition of adjacent are shown on **Figure 3** on the following page.

The Provincial Policy Statement (PPS) provides direction for the development of properties adjacent to a protected heritage property. Section 2.6.3 of the Provincial Policy Statement, 2014, (PPS) prepared pursuant to the Planning Act states that:

*"2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved."*

Part C, Section 4.4 of the Township of Muskoka Lakes Official Plan contains policies related to cultural heritage resources. Section 4.4.6 addresses lands adjacent to protected heritage property, and notes that development and site alteration may be permitted where the proposed development has been evaluated and demonstrated that the heritage attributes of the protected heritage property will be conserved. The section goes on to note that mitigative measures and/or alternative development approaches may be required in order to conserve the heritage attributes of the protected property.

Bala, Township of Muskoka Lakes  
Heritage Conservation District Plan (Final Draft)



Figure 3: Lands adjacent to the Bala Heritage Conservation District.

### 3.5.1 Definition of adjacent lands

The Provincial Policy Statement and Township of Muskoka Lakes Official Plan set the framework for addressing the potential impacts associated with development on lands adjacent to protected heritage properties. The designation of the Bala Heritage Conservation District means that properties within the boundaries of the District would be protected heritage properties.

If development or site alteration is proposed on lands adjacent to the Heritage Conservation District, the proponent may be required to undertake the preparation of a Heritage Impact Assessment. Development and site alteration are defined terms in the Provincial Policy Statement, as follows:

**“Development:** means the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act, but does not include:

- a) activities that create or maintain infrastructure authorized under an environmental assessment process;
- b) works subject to the Drainage Act; or
- c) for the purposes of policy 2.1.4(a), underground or surface mining of minerals or advanced exploration on mining lands in significant areas of mineral potential in Ecoregion 5E, where advanced exploration has the same meaning as under the Mining Act. Instead, those matters shall be subject to policy 2.1.5(a).”

**“Site alteration:** means activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site.

*For the purposes of policy 2.1.4(a), site alteration does not include underground or surface mining of minerals or advanced exploration on mining lands in significant areas of mineral potential in Ecoregion 5E, where advanced exploration has the same meaning as in the Mining Act. Instead, those matters shall be subject to policy 2.1.5(a).”*

The requirement to conduct a Heritage Impact Assessment would be determined at the pre-submission consultation stage when meeting with Township staff.

### 3.5.2 Management of adjacent lands

The actions and directions of this Plan are directly applicable to the lands in the study area owned by the public and private landowners. However, some of the lands within or adjacent to the Bala Heritage Conservation District are owned and/or operated by others such as the Provincial Crown (Ministry of Natural Resources and Ministry of Transportation) and private landowners. It is hoped that adjacent lands will be managed in a compatible manner and that these guiding principles may be considered during planning of future work.

The following actions are recommended for the management of adjacent lands:

- a. Copies of the Heritage Conservation District Plan be made available to adjacent landowners.
- b. The Municipality should develop a working relationship with the adjacent landowners to encourage them to manage their lands in ways that are consistent with the objectives and actions in the management framework.
- c. The Municipality should participate in processes initiated by adjacent landowners (such as Environmental Assessments) to ensure that proposed changes on adjacent lands do not negatively impact the Bala Heritage Conservation District.
- d. Policies in the Township of Muskoka Lakes Official Plan identify that development and site alteration on lands adjacent to heritage property must demonstrate that the heritage attributes of the protected heritage property will be conserved.

## 4.0 Exemptions from heritage permit requirements

### 4.1 Introduction

Under Section 42 of the *Ontario Heritage Act*, a permit is required for the erection, demolition, removal or external alteration of a building or structure within a designated Heritage Conservation District. The Act defines the term “alter” as meaning to change in any manner and includes to restore, renovate, repair or disturb. “Alteration” has a corresponding meaning.

While the need to require a permit for demolition or the construction of a new building or structure is clear, the requirement for a permit for an alteration to an existing building may be less clear. Typically, alterations or changes for which a Section 42 permit is required are those types of alterations that would materially affect the character or external appearance of a building. Those types of physical alterations, additions and conservation work that generally require a permit are described in the body of the Plan.

Subsection 41.1 (5) of the Act also makes provisions for exempting some forms of alterations from regulation by providing that a Heritage Conservation District Plan shall include:

*“(e) a description of the alterations or classes of alterations that are minor in nature and that the owner of property in the Heritage Conservation District may carry out or permit to be carried out on any part of the property, other than the interior of any structure or building on the property, without obtaining a permit under section 42. 2005, c. 6, s. 31.”*

The following constitutes a description of those alterations that are considered to be “minor in nature” and that may be carried out without obtaining a permit under section 42 of the Act. In some instances and for the purposes of clarification, a note is included on exceptions where a heritage permit would be required. Regardless of exemption from regulation, the guidelines provided elsewhere in this Plan should still be consulted for direction on carrying out changes and using methods that are the least destructive or have the least impact on building fabric or valued heritage attributes. The exempted minor alterations have been guided generally by the principles of either being undertaken within a small area, confined to areas that are generally out of sight from public view, constitute routine maintenance, or are easily reversible.

If there is any doubt about whether a heritage permit is required consultation with staff of the Township of Muskoka Lakes is recommended.

## 4.2 Exemptions for buildings

Alterations that may be carried out without obtaining a heritage permit under Section 42 of the *Ontario Heritage Act* are:

- a) **Interior modifications:** The interiors of buildings or structures are not subject to regulation within the Heritage Conservation District, and no permit is required.

**Exceptions:**

Those interior features designated under Part IV of the *Ontario Heritage Act* or interior features that have an exterior presence, including but not restricted to windows and doors in building façades.

- b) **Roof materials:** Replacement of existing roof materials in kind does not require a permit (for the purposes of this Plan, asphalt and metal roofing are considered to be in kind).
- c) **Solar panels:** The installation of solar panels located in the same plane as the roof (e.g., on the slope of a roof or on a flat or low pitched roof) would not require a permit.

**Exceptions:** freestanding panels on poles or those requiring removal of historic materials or construction of a structural frame for support, require a permit if located within view of the public realm.

- d) **Security lighting and alarm systems:** The installation of security lighting and/or alarm systems does not require a permit.
- e) **Amenity lighting:** The installation of amenity or seasonal lighting does not require a permit.
- f) **Eavestrough and downspouts:** The removal and/or installation of new eavestroughs and downspouts in the same material as the previously existing do not require a permit.
- g) **Landscaping, soft:** The removal and/or installation of vegetative landscaping, such as planting beds, shrubs and small ornamental trees and the pruning and maintenance of trees or the removal of dead branches or limbs (in compliance with the Township of Muskoka Lake's Tree Preservation By-law) do not require a permit.
- h) **Landscaping, hard:** The removal and installation of hard landscaping, such as driveways, entranceways, paths and parking areas of the same area and dimension do not require a permit.
- i) **Stairs or steps:** The removal of stairs or steps and replacement in kind (same dimensions and materials) do not require a permit.

- j) **Maintenance or small repairs:** Ongoing maintenance or small repairs to buildings, structures or small areas of paving that do not significantly affect the appearance of the outside of the property and do not involve the permanent removal or loss of heritage attributes do not require a permit.
- k) **Painting:** The painting of doors, windows, trim, eavestroughs, downspouts and minor architectural detailing does not require a permit.

**Exceptions:**

The painting of any masonry materials requires a permit (not recommended).

As with any modifications being contemplated, it is beneficial to contact Township of Muskoka Lakes Planning staff to discuss proposals before commencing work. Some of the above modifications may also require a Building Permit, and appropriate staff should be consulted.

#### 4.3 Exemptions for bridges, water control features, roadways and railways

Alterations that may be carried out without obtaining a heritage permit under Section 42 of the *Ontario Heritage Act* are:

- a) **Maintenance or minor repairs:** Ongoing maintenance or minor repairs to structures and areas of paving that do not significantly affect the appearance of the structure and that are exempt from review or approval under Municipal Class Environmental Assessment do not require a permit.

As with any modifications being contemplated, it is beneficial to contact municipal staff to discuss proposals before commencing work.

#### 4.4 Exemptions for open space areas

Alterations that may be carried out without obtaining a heritage permit under Section 42 of the *Ontario Heritage Act* are:

- a) **Maintenance or minor repairs:** Ongoing maintenance or minor repairs to road or sidewalks surfaces and areas of paving that do not significantly affect the appearance of the surface and that are exempt from review or approval under the Municipal Class Environmental Assessment do not require a permit. Regular maintenance related to park facilities, does not require a permit.
- b) **Installation and/or repair of underground utilities or services:** Subsurface excavation for the installation and repair of utilities (water, sewage, gas, etc) does not require a permit.
- c) **Repair of above-ground utilities or services:** Work undertaken for the repair of above-ground utilities (hydro, communications and lighting), including conduits, poles and associated boxes or covers and installation of non-permanent or non-fixed street furniture including but not restricted

to seating, planters, tree grates, banners, hanging baskets, garbage receptacles and bike racks do not require a permit.

- d) **Landscaping, soft:** The installation of any soft or vegetative landscaping confined to boulevard installation and / or planting beds do not require a permit.
- e) **Landscaping, hard:** The removal and installation of hard landscaping, such as driveways, entranceways, paths and parking areas of the same area and dimension do not require a permit.

As with any modifications being contemplated, it is beneficial to contact municipal staff to discuss proposals before commencing work.

#### **4.5 Emergency work**

In some instances, emergency work may have to be carried out to public or private property without the benefit of a heritage permit or ascertaining whether such work is exempt from regulation.

Required emergency work may be permitted where the timing of repairs makes it impossible to consult with municipal staff regarding a heritage permit. Notwithstanding this provision, all work should be undertaken in a manner that does not destroy valued heritage building fabric. Photographs of 'before and after' should be taken to confirm the condition of the building or property and the nature of the finished repairs, and supplied to municipal staff as a record of the work.

## **5.0 Heritage Conservation District Plan Review Process**

### **5.1 Introduction**

It is not unusual for municipal plans and guidelines to be reviewed from time to time. Some reviews are required by statute, while others are more informal and undertaken as good municipal housekeeping. The *Ontario Heritage Act* makes no specific requirements for formal review and update. For the Bala Heritage Conservation District, it is considered appropriate that a formal review be undertaken for this district in order to assess performance of the Plan and make potential revisions.

### **5.2 Direction related to Heritage Conservation District Plan review**

It is expected that over the next five years Township staff will monitor activity within the District. In particular, the following should be subject to review:

- The number and type of heritage permit applications submitted, approved, and denied;
- The types of alterations that are occurring within the District; and
- The number, type and value of funding applications for eligible conservation work.

At the end of the monitoring period, the Township should embark on a review of the Bala Heritage Conservation District Plan, related heritage permit activity and other associated initiatives.

It is advised that the following activities should form part of the review:

- Formal engagement and dialogue with the property owners, community and all interested parties;
- Development of a “score card” to check on what objectives have been achieved and those that have not been fulfilled; and
- Recommendations for any potential revisions to the District Plan, based on past activities and heritage planning best practices.

It is recommended that the Township of Muskoka Lakes implement a 5-10 year review process related to the Heritage Conservation District Plan, in order to help ensure that the document remains up to date with current heritage planning best practices, and that it reflects the needs of the community.

## 6.0 Municipal implementation

The Heritage Conservation District Study identified the following potential areas of interest to pursue related to direction for municipal implementation:

- Site Plan Control;
- Property Standards By-law;
- Financial incentives;
- Changes to municipal planning and other administrative procedures.

Given the property ownership within the Bala Heritage Conservation District, and that there were no major conflicts identified with current municipal planning policies, no further recommendations are made at this time related to municipal implementation. It is recommended that as part of the Heritage Conservation District Plan review process, potential implementation be examined again to determine if any revisions are required based on development trends or community needs.

The Township of Muskoka Lakes currently has a municipal heritage committee, who advises Council on matters related to heritage. Heritage permit applications would be submitted to Township staff, circulated to the heritage committee for comment, and then considered by staff and Council as appropriate. This existing permit application and review process should be used when implementing this Heritage Conservation District Plan. During the Heritage Conservation District Plan review process, the heritage permit process can be examined further to understand if changes to the process are warranted.

The majority of the Heritage Conservation District includes publically owned land. Typical financial incentives for Heritage Conservation District, such as grants or tax incentives, would not be applicable. The township is encouraged to investigate funding from other levels of government to help implement the Heritage Conservation District Plan. In the event that federal or provincial funding is available, they should be explored.

As much of the Heritage Conservation District is publically owned land, much of the implementation of this plan will come from municipal improvements. Capital projects within the district should be consistent with the intent and policies of this Plan.

It is recommended that when the time comes to review municipal by-laws, particularly the Official Plan and Zoning Bylaws, that the reviews and amendments to the bylaws consider the Heritage Conservation District and its policies.

## **Appendix A**

### **Terms and definitions**

The following comprises a list of some of the more commonly used terms and definitions in this District Plan. Sources are sometimes indicated to show where the term has been derived.

**Adverse effects** include those conditions resulting in the attrition of heritage properties and include: the destruction, loss, removal or incompatible alteration of all or part of a heritage property; the isolation of a heritage property from its surrounding streetscape or setting; or the introduction of physical, visual, audible or atmospheric elements that are not in character with a heritage property and/or its setting.

**Alter** means to change in any manner and includes to restore, renovate, repair or disturb and “**alteration**” has a corresponding meaning (*Ontario Heritage Act*).

**Beneficial effects** include those conditions resulting in: the protection of heritage properties from demolition or removal; the retention of a heritage property in situ in a structurally stable and sound condition or state of repair; accurate restoration of a heritage property; the sympathetic alteration or repair of a heritage property to permit an existing or new use; enhancement of a heritage property by accommodating compatible new development; or maintenance of a heritage property through the repair and replacement of worn-out components and using compatible materials and techniques.

**Character** means the collective qualities and characteristics that distinguish a particular area or neighbourhood.

**Compatible** when used together with any building, use alteration or any other form of change means consistent with the heritage attributes value of a property, and which has little or no adverse impact on its appearance, heritage attributes, and integrity.

**Cultural heritage landscape** means a defined geographical area of heritage significance which has been modified by human activities and is valued by a community. It involves a grouping(s) of individual heritage features such as structures, spaces, archaeological site and natural elements, which together form a significant type of heritage form, distinctive from that of its constituent elements or parts.

**Cultural heritage resources** include buildings, structures and properties designated or listed under the *Ontario Heritage Act*, significant built heritage resources, and significant cultural heritage landscapes as defined and interpreted by the applicable Provincial Policy Statement.

**Conserved**, (also conserve) means the identification, protection, use and/or management of cultural heritage and archaeological resources in such a way that their heritage values, attributes and integrity are retained.

Bala, Township of Muskoka Lakes  
Heritage Conservation District Plan (Final Draft)

**Heritage attributes** means, in relation to real property, and to the buildings and structures on the real property, the attributes of the property, buildings and structures that contribute to their cultural heritage value or interest (*Ontario Heritage Act*).

**Heritage building fabric** means all those historical physical building, landscaping, and construction materials of the heritage property.

**Property** means real property and includes all buildings and structures thereon (*Ontario Heritage Act*).

**Restoration** means to return a heritage property to a known earlier form, by reassembly and reinstatement of lost features or attributes, and/or by the removal of features that detract from its heritage values, attributes and integrity.



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200-540 BINGEMANS CENTRE DRIVE / KITCHENER / ONTARIO / N2B 3X9 / T: 519-576-3650 / F: 519-576-0121 /  
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