

# **The Corporation of the City of Kawartha Lakes**

## **By-Law 2023-XXX**

### **A By-law to Designate 353 Bury's Green Road, Geographic Township of Somerville in the City of Kawartha Lakes**

A By-law to designate 353 Bury's Green Road in the Geographic Township of Somerville in the City of Kawartha Lakes as being of Cultural Heritage Value or Interest under Part IV of the Ontario Heritage Act.

#### **Recitals**

1. Section 29 of the Ontario Heritage Act, R.S.O. 1990, provides that the Council of a municipality may pass a by-law to designate a property within the boundaries of the municipality as being of cultural heritage value or interest.
2. A Notice of Intention to Designate 353 Bury's Green Road, Geographic Township of Somerville described further in Schedule A, has been given in accordance with Section 29 of the Ontario Heritage Act.
3. No objection to the proposed designation has been served on the Clerk of the City.
4. Council has consulted with its Municipal Heritage Committee.
5. Reasons for Designation are set forth in Schedule A.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2023-XXX.

#### **Section 1.00: Definitions and Interpretation**

##### **1.01 Definitions:** In this by-law,

**"alter"** means to change in any manner and includes to restore, renovate, repair, erect, demolish, and disturb; and "alteration" and "altering" have corresponding meanings;

**"City", "City of Kawartha Lakes" or "Kawartha Lakes"** means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

**"City Clerk"** means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

**"Council" or "City Council"** means the municipal council for the City;

**"Director of Development Services"** means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council;

**“Municipal Heritage Committee”** means the Kawartha Lakes Municipal Heritage Committee which makes recommendations to Council and is established under Section 28 of the Ontario Heritage Act;

**“Ontario Heritage Act”** or **“the Act”** means the Ontario Heritage Act, R.S.O. 1990, c. o.18, as amended or any successor thereof;

**“Property”** means property as set out in Section 2.01.

**1.02 Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

**1.03 Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

**1.04 Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

**Section 2.00: Designation of Property**

**2.01** 353 Bury’s Green Road, Geographic Township of Somerville is designated as being of cultural heritage value, as described further in Schedule A. This designation shall not preclude alterations that may be deemed necessary for the efficient use of the property but that any and all alterations shall be in keeping with the original and present character of the property and that no alterations to the property affecting its heritage attributes as outlined in Schedule A shall be made without written consent from the City.

**2.02** The City is hereby authorized to cause a copy of this by-law to be registered against the property described above in the Land Registry Office.

**2.03** The Clerk is hereby authorized to cause a copy of this by-law to be served on the owner of the aforesaid property and on the Ontario Heritage Trust, and to cause notice of the passing of this by-law to be published in a newspaper with general circulation within the municipality.

**Section 3.00: Enforcement, Offence and Penalties**

**3.01 Enforcement:** This by-law may be enforced by every municipal law enforcement officer and police officer.

**3.02 Offence and Penalty:** It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the Provincial Offences Act, the Ontario Heritage Act and to any other applicable penalty.

**Section 4.00: Administration and Effective Date**

4.01 **Administration of the By-law:** The Director of Development Services is responsible for the administration of this by-law.

4.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this XXX day of XXX, 2023.

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Doug Elmslie, Mayor

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Cathie Ritchie, City Clerk

## **Schedule A to By-law 2023-XXX**

Being a By-law to designate 353 Bury's Green Road, Geographic Township of Somerville in the City of Kawartha Lakes as being of cultural heritage value or interest.

### **Section 1: Description of Property**

353 Bury's Green Road, Geographic Township of Somerville

### **Section 2: Location of Property**

Located on the north side of Bury's Green Road to the east of the intersection of Bury's Green Road and Martins Road.

### **Section 3: Legal Description**

PT LT 13 CON 1 SOMERVILLE AS IN SV514, SV3889; KAWARTHA LAKES

### **Section 4: Location of Heritage Features**

The heritage features of the property include a Victorian church located on the east side of the property and associated active cemetery which comprises the majority of the rest of the property and is located primarily to the west side of the church.

### **Section 5: Statement of Reasons for Designation**

#### **Design and Physical Value**

353 Bury's Green Road, also known as St. John's Chapel, has design and physical value as a representative example of a late nineteenth century rural Presbyterian church and cemetery landscape. Constructed around 1874, the church displays architectural features typical of Presbyterian church design from this period, including a mixing of Classical and Gothic elements, such as the return eaves and lancet windows, on what is otherwise a simple and utilitarian building. The church is demonstrative of trends in Presbyterian architecture specific to rural areas throughout the nineteenth century which had a tendency to evolve differently from their urban counterparts. As a cultural heritage landscape, the property is representative of a rural church cemetery from the second half of the nineteenth century where the burial pattern evolved organically around the place of worship.

#### **Historical and Associative Value**

353 Bury's Green Road has historical and associative value in its association with the history and development of the settlement of Bury's Green. The community arose as a scattered agricultural settlement straddling the border of Somerville and Verulam Townships, beginning around 1860, and the property of John Fell who became its postmaster. In particular, it has direct associations with Fell himself who became Reeve of Somerville Township, Warden of Victoria County and Member of Provincial Parliament for Victoria North in the second half of the nineteenth century, and who donated a parcel of land on the southern

edge of his property for the church. It yields information regarding community and religious life in Bury's Green and the surrounding rural area in the second half of the nineteenth century and into the twentieth.

### **Contextual Value**

353 Bury's Green Road has contextual value as an important local landmark in Bury's Green. The church, which is placed in a prominent position along Bury's Green Road is recognized in the wider community as the local United, formerly Presbyterian, church and associated cemetery. At the same time, the property maintains and supports the rural character of Bury's Green as one of its churches and cemeteries and is historically linked to its surroundings as part of the historic landscape of the community of Bury's Green and one of its surviving institutional buildings.

### **Section 6: Heritage Attributes**

The Reasons for Designation include the following heritage attributes and apply to all elevations, unless otherwise specified, and the roof including: all façades, entrances, windows, chimneys, and trim, together with construction materials of wood, brick, stone, stucco, concrete, plaster parging, metal, glazing, their related building techniques and landscape features.

### **Design and Physical Attributes**

The design and physical attributes support the value of the church as a representative example of a rural Gothic Revival church constructed in the late nineteenth century for a Presbyterian congregation as well as its value as an evolved cultural heritage landscape including both the church and active cemetery.

- One storey construction
- Gable roof
- Return eaves
- Central entrance including:
  - Double doors
  - Lancet transom
- Fenestration including:
  - Lancet windows
  - Clear and coloured glass
- Weatherboard siding

- Cemetery
- Location of church adjacent to the cemetery
- Burials dating to 1866
- Headstones and markers in a range of historic and contemporary styles
- Mature trees

### **Historical and Associative Attributes**

The historical and associative attributes support the direct associations of the church and cemetery with the development of religion in Bury's Green in the second half of the nineteenth century as well as its relationship with prominent local resident John Fell.

- Association with the Presbyterian Church in Verulam and Somerville Townships
- Relationship to John Fell
- Orientation of the church towards the east
- Graves of early settlers

### **Contextual Attributes**

The contextual attributes support the value of the property as a local landmark and part of the wider historic landscape of Bury's Green.

- Location of the property on the north side of Bury's Green Road to the east of Martins Road
- Relationship of the church to properties associated with the early settlement of Bury's Green including, but not limited to, St. Peter's Anglican Church, Lamb's School, and surrounding historic agricultural properties
- Views of the property from Bury's Green Road
- Views of the surrounding rural landscape from the church and cemetery