















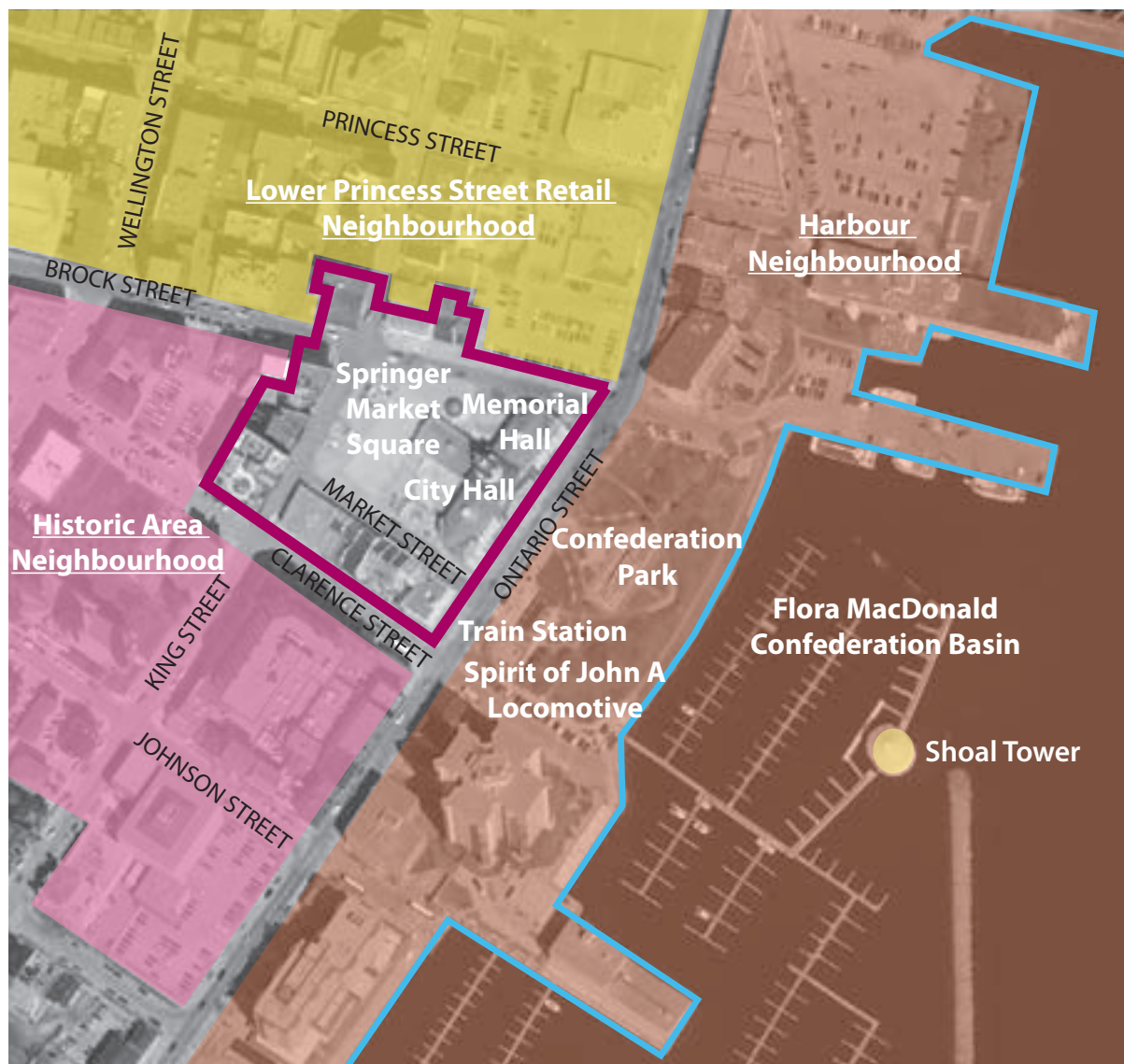
# 1 INTRODUCTION

This review of the Market Square Heritage Conservation District has been prepared by ERA Architects Inc. with Bousfields Inc. for the City of Kingston to determine if the District is in line with current heritage legislation, planning policy and best practice.

In 1985, the City of Kingston passed a by-law designating Market Square and the surrounding properties as the Market Square Heritage Conservation District and implementing the District Plan. The purpose of the Plan was to recognize the heritage character of Market Square, protect the integrity of this special area of the downtown, and provide recommendations on how to manage change so as to enhance the area's unique sense of place.

Over the last 25 years the heritage legislative and planning context within which this HCD operates has changed. The *Ontario Heritage Act* has been amended to provide clarification on what a heritage conservation district is, the Provincial Policy Statement has been amended to include cultural heritage resources as a planning consideration, and the City of Kingston has integrated heritage conservation into its planning guidelines and policy. Further, in Ontario there is now case law on development within districts. Informed by these and other factors, the role of heritage conservation districts has also matured.

This review provides the opportunity to step back and review the overall effectiveness of the Plan. Has the heritage value of this place changed? Have building alterations completed in the last 25 years respected the Plan guidelines? Have the objectives outlined in the by-law been maintained? Is the District Plan compatible with Kingston's current planning framework? Does the District Plan and its guidelines consider future development in and adjacent to the District?



**Legend:** ■ Existing Market Square Heritage Conservation District Boundary

5. Annotated aerial map of downtown Kingston identifying surrounding neighbourhoods and local landmarks, 2008. (City of Kingston)



## 2 MARKET SQUARE HERITAGE CONSERVATION DISTRICT

### 2.1 District Location

The Market Square Heritage Conservation District is located in the historic centre of the City of Kingston. The District is centred around the Market Square open space and includes the buildings that form the perimeter of the square.

The District overlooks Confederation Park, a large public park, and the Flora MacDonald Confederation Basin beyond. The District area also overlaps with First Capital Place. First Capital Place is a programmed public gathering area which specifically includes Memorial Hall (located within Kingston City Hall), Springer Market Square, Confederation Park, and Flora MacDonald Confederation Basin. It includes the sidewalk and roads (Brock, King, Market and Ontario Streets) which connect the four destinations.

The built fabric surrounding Market Square is a combination of historic buildings as well as surface parking lots and contemporary infill buildings. These surrounding downtown neighbourhoods are identified in the Official Plan as the Downtown and Harbour Special Policy Area. They are also included in the *Downtown and Harbour Area Architectural Guidelines* study and identified as the Historic Area Adjoining Market Square Heritage Conservation District, Lower Princess Street Retail and Harbour.



6. Flora MacDonald Confederation Basin and Shoal Tower, 2010. (ERA Architects Inc.)

7. Photograph of Centennial Park. (1867 Kingston 1967, Canada's Centennial)



## 2.2 The Market Square Heritage District Study and Plan History

In August 1976, the City of Kingston established a steering committee to guide a study to designate the Market Square area as a heritage conservation district under the Ontario Heritage Act (enacted in 1974). The committee included representatives from the Frontenac Historic Foundation, the Market Square Owners and Tenants Association, and the Local Architectural Conservation Advisory Committee. In October 1976, the committee recommended architect Lily Inglis (in collaboration with conservation consultant Harold Kalman) to undertake the District Study. This selection was passed by Council on December 13, 1976.

Subsequently, Council passed by-laws to enable the District Study:

- » By-law no. 9036 (June 27, 1977): Amendment to the Official Plan to allow for the establishment of Heritage Conservation Districts in the City of Kingston.
- » By-law no. 9037 (June 27, 1977): Identification of the Market Square as an area to be studied for possible future designation as a heritage conservation district.

*The Market Square, Kingston - A Heritage Conservation District Study* by Lily Inglis and Harold Kalman was completed in July 1978. It followed the procedure outlined in the *Guidelines on the Designation of Heritage Conservation Districts* by the Ministry of Culture and Recreation (1977).

The Study is comprised of the following:

- » I. Introduction: Explains the purpose of a heritage conservation district and how it would apply to the Market Square as well as providing the following recommendations:
  - a) The Market Square should be designated as a Heritage Conservation District under the provisions of The Ontario Heritage Act, 1974.
  - b) Existing uses in the Market Square should be continued.

- c) A new “Special Commercial” zone should be established.
  - d) Strict design guidelines should be adopted for the rehabilitation of existing buildings and for new construction.
  - e) Design guidelines should also be adopted for signage (and enacted in a Signs By-Law) and for landscaping, street furniture, and utilities, and these features should be replaced or upgraded as local improvements.
  - f) A multi-storey parking garage should be developed on the site of the existing parking lot on Brock Street.
  - g) Through traffic should be discourage or prohibited in the Market Square, while local traffic should be continued.
  - h) The city should accept the area’s rising land values and rents, with the resulting economic and social change.
  - i) Improvements should be financed in part by the use of voluntary taxes being levied in the downtown Business Improvement Area.
  - j) The Ontario Downtown Revitalization Program should be used to help finance rehabilitation and improvements.
  - k) The Ministry of Culture and Recreation should be asked to help finance restoration work.
- » II. The Market Square Today: Provides detailed background research and analysis on the study area’s land use, buildings, visual environment, movement (vehicular traffic and pedestrian movement), commitments and controls (planning policy and heritage legislation), economic and social features and recent trends (built and social). It provides the following statement on the character of the Market Square:

*The significant number of buildings which are good examples of their own architectural periods warrants the retention of the other buildings, because of the particular relationship of all these structures to each another and to the Square. Although visual unity is achieved, this ensemble is made up of a rich and varied fabric of social uses and architectural styles.*

*The uses of the buildings and the space enclosed by them has remained remarkably unchanged over the years, although the present usage can be described as being less intense than formerly. The market is held only three days a week instead of every weekday, so that crowds of shoppers no longer converge daily upon the Square. Residential use is still important, a rare situation today in downtown centres. The City Hall, a building of recognized national significance, ensures that a steady stream of people will continue to visit the Square and the surrounding buildings that act as support service facilities.*

*The proximity and visibility of Lake Ontario from the Square contributes yet another strong link with the city's history. Waterfront activity, strengthened in recent years, will continue to act together with City Hall as a focus for the Square.*

*The Market Square is adjacent to a much larger area that contains other significant examples of our architectural heritage. Many of these buildings have been --or will soon be-- designated under the provisions of Part IV of the Ontario Heritage Act, 1974. A number have been renovated or restored, or are in the process of renovation at this time.*

*Taken together, the buildings of Market Square form a unique visual ensemble that is well representative of the architectural and social history of Ontario.*

- » III. A Plan for the Market Square: This section provides detailed recommendations for the establishment of a heritage conservation district at Market Square. This includes the recommended boundary of the district, changes to the land-use and zoning, and new building regulations. It also provide guidelines for the rehabilitation of existing buildings, new construction, signage, street features, movement, economic development and social issues. It finishes with implementation guidelines.
- » Appendices: This includes an inventory of the buildings within the proposed district boundary and copies of by-laws on zoning, individual heritage property designations in the study area, regulations regarding the use of Market Square and the original by-law to undertake the Study.

On March 26, 1985, City Council passed by-law no. 84-172 adopting the Market Square Heritage Conservation District Plan and designating the Market Square Heritage Conservation District under the *Ontario Heritage Act* (amended in 1980). This by-law was upheld at the Ontario Municipal Board on September 5, 1985. See appendix 1 for a copy of the by-law.

The District Plan is a schedule to the designation by-law. It:

- » Identifies the value of adopting a heritage conservation district here and identifying the objectives of the Plan.
- » Clarifies that City Hall and the Prince George Hotel are included in the designation of the District under Part V of the *Ontario Heritage Act*.
- » Identifies when a permit from Council is required and when the local heritage committee reviews and provides recommendations on each application.
- » Provides guidelines for rehabilitation of existing buildings and new construction as well as identifies applications subject to site plan control.



- » Recommends the land use be maintained as-is and the area be zoned “SC” (Special Commercial). (Note: This is described in full in Schedule ‘B’ of the HCD by-law found in Appendix 1 of this report. This was officially implemented through the Planning Act subsequent to the adoption of the District designation by-law.)
- » States that all signage be reviewed in accordance with by-law no. 2958 as it applies to heritage properties.
- » Recommends the Recreation Department develop a plan to enhance Market Square by a combination of landscaping, paving, improving the street facilities and utilities.
- » Includes a map of the Market Square Heritage Conservation District boundary.

The Market Square Heritage Conservation District Plan adopted by Council in 1985 generally followed the recommendations of the District Study. However, the following changes were made:

- » The final boundary did include properties already designated under Part IV of the *Ontario Heritage Act* - Kingston City Hall and Prince George Hotel.
- » The final boundary did not include the building and adjacent parking lot at 27 Brock Street. This building was a 2-storey International Style building designed by Drever & Smith Architects and constructed in 1965. It has since been demolished.
- » The surface parking lot remains. A redevelopment application for this property was brought to the Ontario Municipal Board hearing in 1998 (File No.: R960303). The zoning has been amended to reflect the ruling of the hearing. As well, guidelines for the development of this property are included in the *Downtown and Harbour Area Architectural Guidelines Study*.
- » Heritage property owners are supported through the City of Kingston’s Heritage Incentives Program: A Heritage Property Tax Refund Program, Heritage Property Grants Program and the Commercial Heritage Properties Incentive Fund (CHPIF) Program (discontinued in 2006).

See Appendix 1 for the District Designation by-law.

### 2.3 Map of Building Chronology

The following map identifies building age in accordance with the architectural styles identified in the District Study.



Periods of Construction:	pre-1850 (style not identified)
	1850 - 1880: Brick Italianate
	1890 - 1900: Commercial Styles
	1910 - 1930: Classical Revival
	1940s (style not identified)
	1960s : Modern Tendencies

8. Annotated map of buildings District. (Appendix II to Official Plan Amendment No. 17)

## 2.4 Building Inventory

This inventory of the buildings within the district boundary includes basic building information as well as photographs comparing the buildings around the time of the original study to today. The buildings are shown in chronological order.

### **200 Ontario Street - Prince George Hotel (c. 1816)**

Partially rebuilt and third floor added in 1895

Architect: unknown



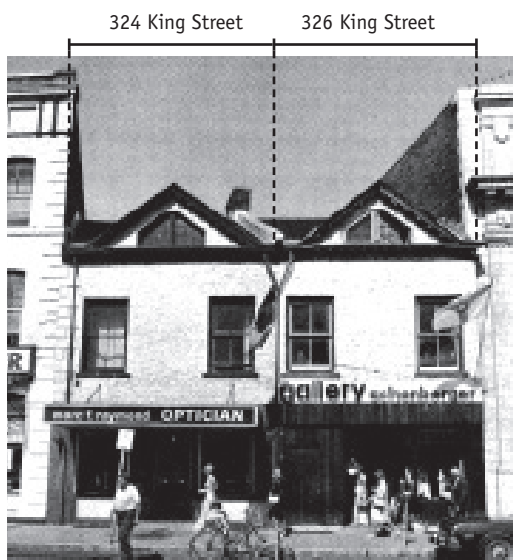
9. 200 Ontario Street. (*City of Kingston Buildings of Architectural and Historical Significance Vol. 4, 1977*)



10. 200 Ontario Street, 2010. (ERA Architects Inc.)

### **324 and 326 King Street (1837)**

Architect: unknown



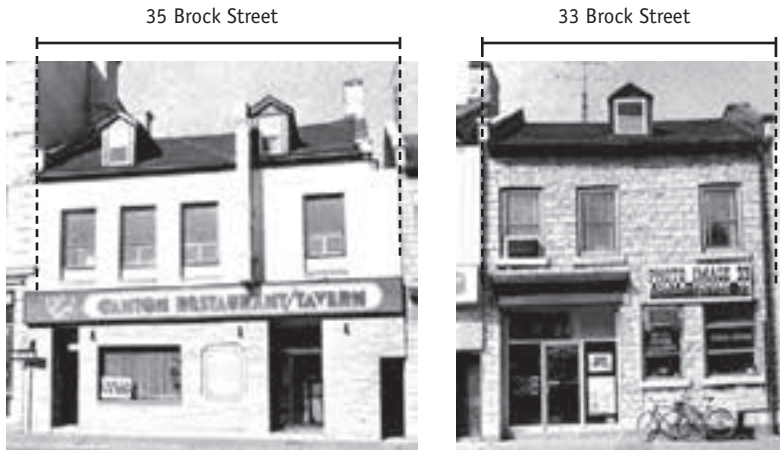
11. 324 and 326 King Street. (*City of Kingston Buildings of Architectural and Historical Significance Vol. 4, 1977*)



12. 324 and 326 King Street, 2010. (ERA Architects Inc.)

**35 Brock Street (1840-41) and 33 Brock Street (c. 1842)**

Architects: unknown



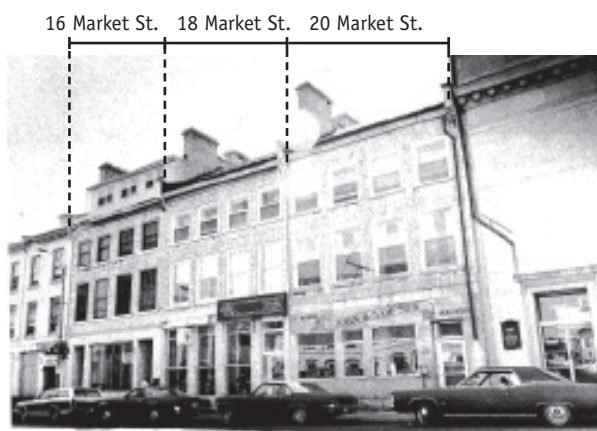
13. 35 and 33 Brock Street. (*City of Kingston Buildings of Architectural and Historical Significance Vol. 4, 1977*)



14. 35 and 33 Brock Street, 2010. (ERA Architects Inc.)

**16, 18 and 20 Market Street (1841-42)**

Architect: unknown



15. 16, 18 and 20 Market Street. (*City of Kingston Buildings of Architectural and Historical Significance Vol. 4, 1977*)



17. 16, 18 and 20 Market Street, 2010. (ERA Architects Inc.)



**216 Ontario Street - Kingston City Hall (1842-44)**

Architects:

George Browne (1841-43)

William Coverdale (1844, 1866)

John Power (1909)



19. Kingston City Hall. (*City of Kingston Buildings of Architectural and Historical Significance Vol. 4, 1977*)



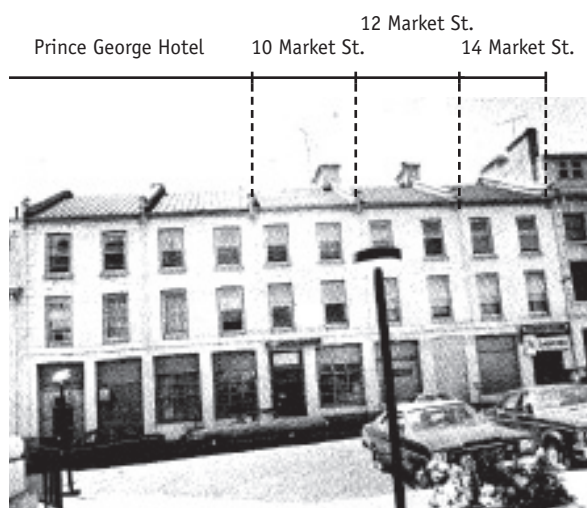
20. Kingston City Hall, 2010. (Google Maps)

**12 and 14 Market Street (1852)**

Architect: William Coverdale

**10 Market Street (1867)**

Architect: John Power



21. 10, 12 and 14 Market Street. (*City of Kingston Buildings of Architectural and Historical Significance Vol. 4, 1977*)



22. 10, 12 and 14 Market Street, 2010. (Google Maps)



**37-43 Brock Street (1856)**

Architect: William Coverdale



23. 37-43 Brock Street. (*City of Kingston Buildings of Architectural and Historical Significance Vol. 4, 1977*)



24. 37-43 Brock Street, 2010. (ERA Architects Inc.)

**216 Ontario Street - Kingston City Hall Market Wing (1866)**

Architect: William Coverdale



25. Market Wing at Kingston City Hall, c. 1960 (Lilley Collection, QA)



26. Market Wing at Kingston City Hall, 2010. (ERA Architects Inc.)

**318-322 King Street - Masonic Buildings (1869-70)**

Architect: Unknown



27. 318-322 King Street. (*City of Kingston Buildings of Architectural and Historical Significance Vol. 4, 1977*)



28. 318-322 King Street, 2010. (ERA Architects Inc.)

**300 King Street - Ontario Bank (1894)**

Architect: J. Power and Son



29. 300 King Street. (*City of Kingston Buildings of Architectural and Historical Significance Vol. 4, 1977*)



30. 300 King Street, 2010. (ERA Architects Inc.)

**306-310 King Street - The Whig-Standard (1894-95 & 1942)**

Architects:

Joseph Power (1894)

Barnett and Rieder (1963)

The Whig-Standard



31. 306-310 King Street. (*City of Kingston Buildings of Architectural and Historical Significance Vol. 4, 1977*)

The Whig-Standard



32. 306-310 King Street, 2010. (ERA Architects Inc.)

**328 King Street - CIBC (1911)**

Architect: unknown

328 King St. - CIBC



33. 328 King Street. (*City of Kingston Buildings of Architectural and Historical Significance Vol. 4, 1977*)

328 King St. - CIBC



34. 328 King Street, 2010. (Google Maps)



**297 King Street - Bank of Montreal (1923-24)**

Architect: Lawson & Little



35. 297 King Street. (*The Market Square, Kingston: A Heritage Conservation District Study, July 1978*)



36. 297 King Street, 2010. (ERA Architects Inc.)

**330 King Street - TD Bank (1963)**

Architect: A. Bruce Etherington



37. 330 King Street. (*The Market Square, Kingston: A Heritage Conservation District Study, July 1978.*)



38. 330 King Street, 2010. (ERA Architects Inc.)

### 3 RESEARCH AND GRAPHIC ANALYSIS

The purpose of this research and graphic analysis is to document the Market Square Heritage Conservation District and its immediate surroundings since its settlement to understand the cultural heritage value this history carries.

#### 3.1 A Site History in Maps

The following maps provide a visual description of the evolution of the Market Square Heritage Conservation District and its built form. The maps are supported with historical notes (at side), alternate maps, sketches and images that catalogue key changes in the architecture and infrastructure of the District and the surrounding area. For reference the maps are annotated with the district boundary, the changing shoreline, and the rail line (1856).

##### MAP LEGEND:

- District Boundary
- - - Shoreline
- Rail Line

#### 1784 FRENCH BATTERY



- » Loyalists originally from New York and displaced by the American Revolutionary War, arrive from Quebec and Carleton Island to settle "Kings-town".
- » The town develops south from the fort and Government House. The blocks are 66' x 142' with 10 lots per block.

39. Part 1874 map (Fort to north), NMC11375 with site of city hall added'. (*Chronology of Kingston City Hall*)



## 1801 MARKET DECREE



- » The government calls for the institution of a market in Kingston to serve the Midland (local) district: “. . . establish some convenient place in the town of Kingston, as a market, where butcher’s meat, butter, eggs, poultry, fish, and vegetables, shall be exposed to sale”

- *The Statutes of the Province of Upper Canada, Kingston, U.C.:*  
Hugh Thomson & James MacFarlane, 1831.

40. 1801, NMC 16334. (*Chronology of Kingston City Hall*)

## 1810 WAR OF 1812



- » On May 21, 1811, the Kingston Gazette publishes rules regulating the use of the square as a market.
- » With the War of 1812 Kingston constructed new defenses. Records by Captain Jacques Viger indicate that the market square was used by troops as well as the remains of an old French Battery and a wood market building. The approximate location of the market building is shown.
- » The *Military Reservations* map of October 27, 1815 allocates the area in front of Market Square for future fortification.

41. 1810 map indicates Market Square at location ‘h’. Directly north, at site ‘g’, is the first St. George’s church., NMC 3888. (*Archaeological Excavation & Mitigation of Market Square, BbGc-88, Volume I*)

## 1816 NEW BUILT FORM



42. 1816 Owen Vidal map, NMC 11378. (*Archaeological Excavation & Mitigation of Market Square, BbGc-88, Volume I*)

- » After the war of 1812, a new guard house appears on the site of the market square lot. It is a T-shaped building as shown. It is thought that the old market building was converted into this guard house.
- » A new market house appears in 1819 and there is new paving in the market square.
- » In 1820, new buildings are shown within the square as well as facing onto the square from King, Brock and Clarence Streets (see below). The guard house remains facing the harbour.



43. Part map by Lt. Smith, 1820, NMC 16104. (*Archaeological Excavation & Mitigation of Market Square, BbGc-88, Volume I*)

## 1829 RIDEAU CANAL



44. 1829 map, NMC 11381. (*Archaeological Excavation & Mitigation of Market Square, BbGc-88, Volume I*)

- » Circa 1823 drawings are prepared for the construction of No. 16 Main Guard Kingston within the market square. It is a one-storey hipped roof building with a large central fireplace. It is symmetrical with five-bays facing Ontario Street.
- » In 1825, a new St. George's Church Building is constructed one block south on King Street. Shortly, in 1828, the second Court House is erected beside St. George's Church.
- » In 1831, the Main Guard House is dismantled and sold for parts.
- » 1832, the Rideau Canal opened between Ottawa and Kingston. A few years later (1836) Fort Henry guards this end of the canal.
- » Kingston is incorporated as a town in 1838.
- » On April 17, 1840, a fire originates one block from the market square at Clarence and Johnson Streets. The fire destroys all buildings within the market square leaving the block completely vacant. The Town purchases the lot at Brock and Ontario Streets from Ann and George Glasgow.



## 1845 CITY HALL, MARKET BATTERY & SHOAL TOWER



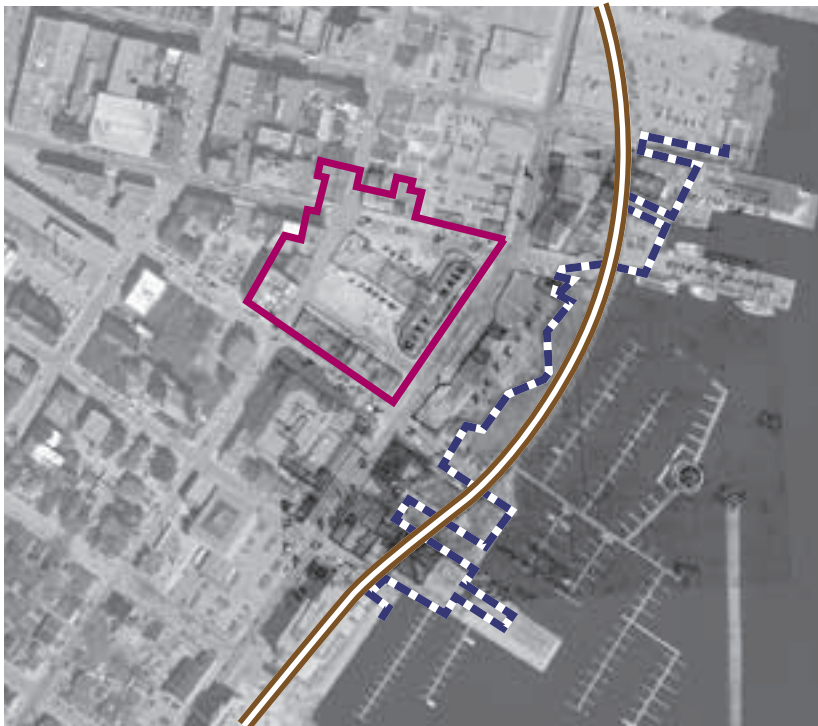
45. June 12, 1845 map, W055/879/ f. 190. (*Archaeological Excavation & Mitigation of Market Square, BbGc-88, Volume I*)



46. Postcard pre-1875 showing Battery and Shoal Tower and Fort Fredrick Tower in the distance. (*McKendry Collection*)

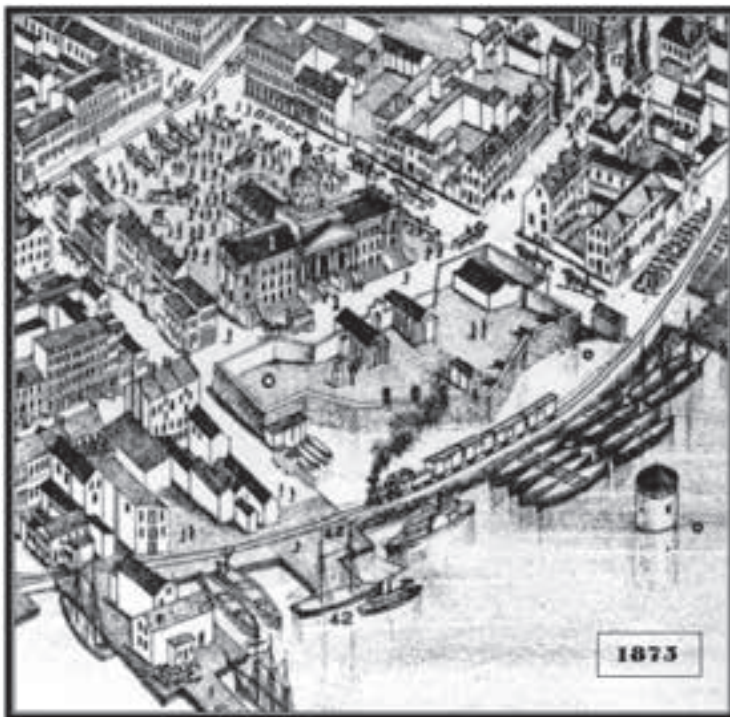
- » In 1841, Kingston becomes the capital of the United Province of Canada East and Canada West.
- » On June 15, 1842, Kingston advertises an architectural competition for a Town Hall and Market. The project is awarded to George Browne on October 17th. Construction of City Hall begins on February 14, 1843. In March 1844, after disagreements with Browne, City Council hires architect William Coverdale to complete the project. It is completed by November.
- » In 1846 the Market Battery is constructed followed by the Shoal Tower in 1847. Together they protect Kingston's commercial harbour and the entrance to the Rideau Canal.

## 1856 RAILWAY



- » In 1855, an open shed wood structure is added along the west side of the market to accommodate outdoor merchants.
- » In 1856, the Grand Trunk Railway opens passenger line in Kingston. It provides passage to Toronto and Montreal. The train line (shown in double line) runs on embankment between Battery and Shoal Tower.
- » A passenger train station is built in front of City Hall in 1859.

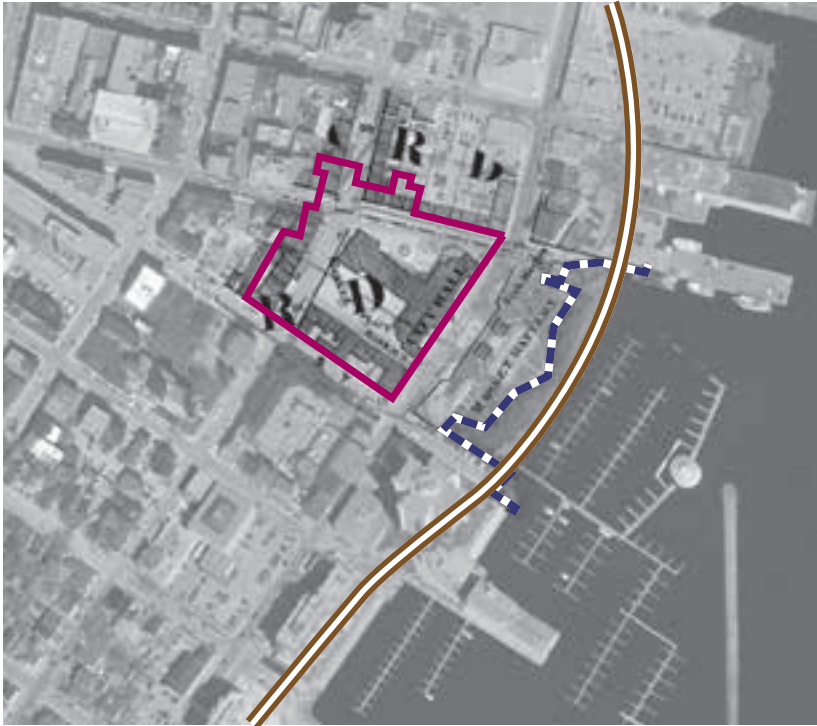
47. Line of Grand Trunk Railway into downtown Kingston, 1857. (Archives of Ontario, *Chronology of Kingston City Hall*)



48. Brosius bird's eye view of Kingston, 1875. (*Chronology of Kingston City Hall*)



## 1865 SITE BUILT OUT



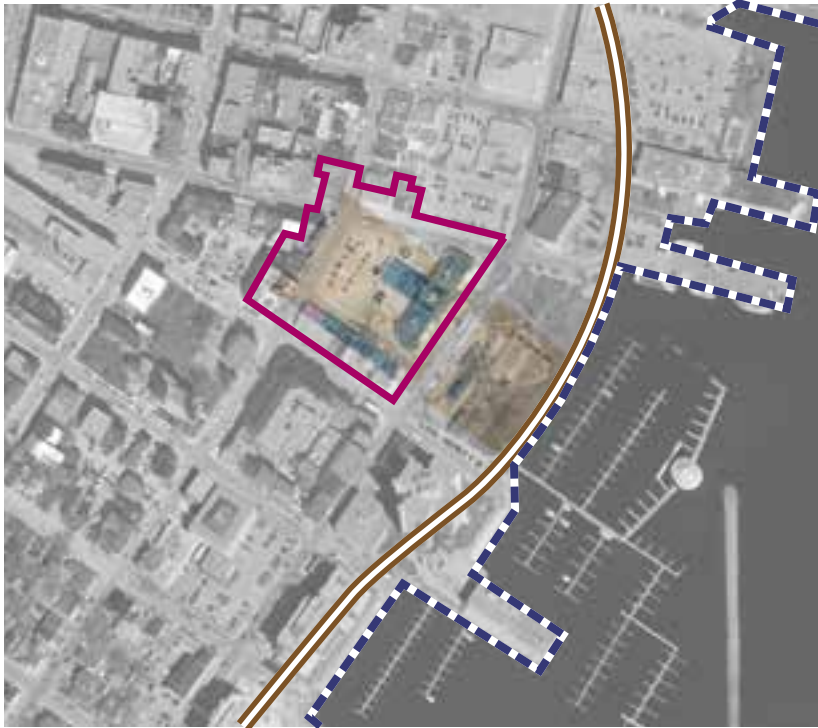
- » In the 1860s a fountain appears in the market square. It is a three tiered water feature.
- » The 1865 map (left) shows the full build out of the properties facing onto Market Square.
- » January 10, 1865 the end building and the butcher's shambles (rear wing) were destroyed by fire. The rear wing is rebuilt and ready for occupancy by the end of the year.

49. Innes map of City Hall before fire, 1865. (*Archaeological Excavation & Mitigation of Market Square, BbGc-88, Volume I*)



50. Rendering of fire on Jan. 10, 1865. (Queen's University Archives. *Archaeological Excavation & Mitigation of Market Square, BbGc-88, Volume I*)

## 1908 RAIL LANDS



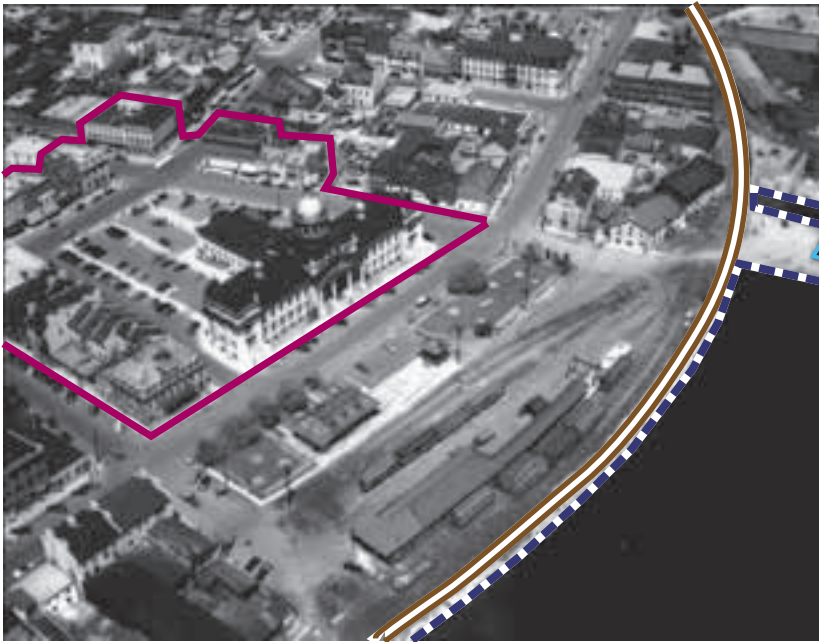
- » In 1872, the Market Battery is removed. In its place a park is created. The existing shoreline in front of City Hall is established at this time.
- » In 1885, the existing train station building on Ontario Street is built (see below).
- » The 1908 map articulates Market Street as separate from Market Square.
- » In 1908, the dome of City Hall suffers fire damage. A new dome is designed and completed in May 1909.

51. Fire Insurance Map, 1908. (Library and Archives Canada)



52. Sketch from KCVI program, 1888. (*Chronology of Kingston City Hall*)

## 1950S PARKING & 1967 CENTENNIAL



53. 1950s aerial photo of the City Hall precinct. (*Archaeological Excavation & Mitigation of Market Square, BbGc-88, Volume I*)

» The 1950s aerial photograph (left) shows Market Square converted to a parking lot and the building at the south of Brock Street.

» 1961, Kingston City Hall is designated as a National Historic Site.

» As part of Canada's Centennial in 1967, Confederation Park is established in honour of Sir John A. MacDonald (see below). The new park includes recognition of the Market Battery in the form of stone foundations and a fountain with a free standing arch. (Note that there is now a parking lot at Brock and Ontario Streets.)



54. Centennial postcard, 1967. (*Chronology of Kingston City Hall*)



## 1990S MODERN DEVELOPMENT



55. 1990s aerial photo of the City Hall precinct. (McKendry Collection, *Chronology of Kingston City Hall*)

- » In 1975, Kingston City Hall received heritage designation.
- » In 1976, Lily Inglis and Harold Kalman are retained by the City of Kingston to study the Market Square area as a potential heritage conservation district.
- » In 1978, City council approves the construction of a 16-storey condominium on the waterfront between Clarence and Johnson Streets. Construction begins in 1980.
- » On March 26, 1985, the Market Square Heritage Conservation District is passed.
- » Between 2002 and 2003 and later in 2005, archaeological excavations are undertaken within the Market Square revealing the foundations former structures.
- » In 2006, Market Square is converted back into a public square and market.

### 3.2 Archaeology

Archaeological excavations were undertaken at the Market Square site in 2002, 2003 and 2005. This investigation revealed the foundations former structures including:

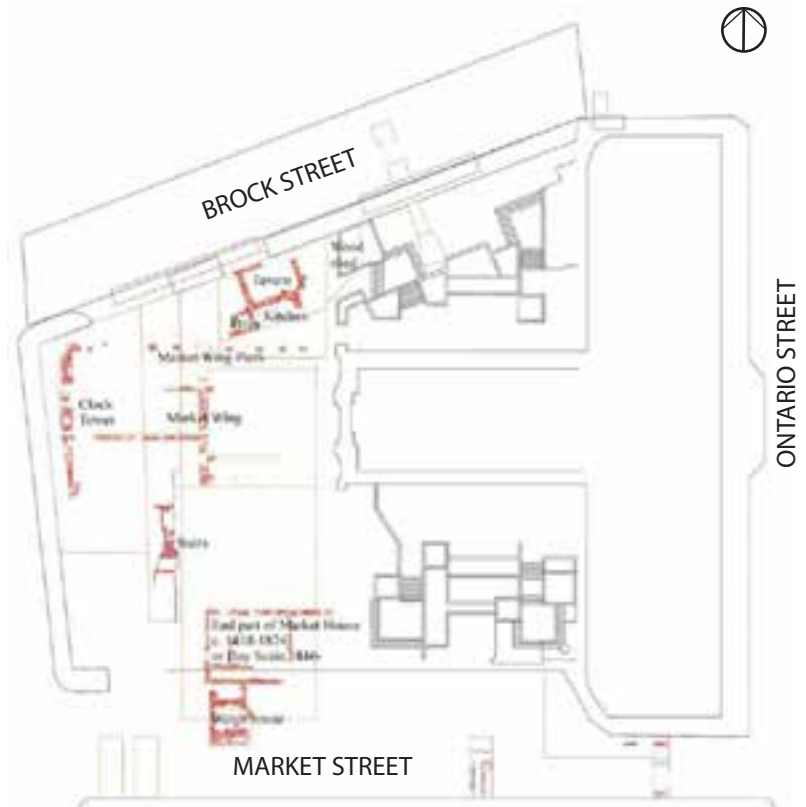
- » End part of Market House / Guard House, c. 1818-1824 or Hay Scale, 1846-??
- » Tavern, c. 1818-1840
- » Rear (market) wing of Town Hall including end building (clock tower), stair, drains and flooring, 1843-1865
- » Weigh House, 1853-1876

This map does not include the French Battery thought to have been located behind the north wing of City Hall.



56. Stairway to 1844 Market Wing. (*Kingston City Hall National Historic Site of Canada: Archaeological Conservation Plan* by Cataraqui Archaeological Research Foundation)

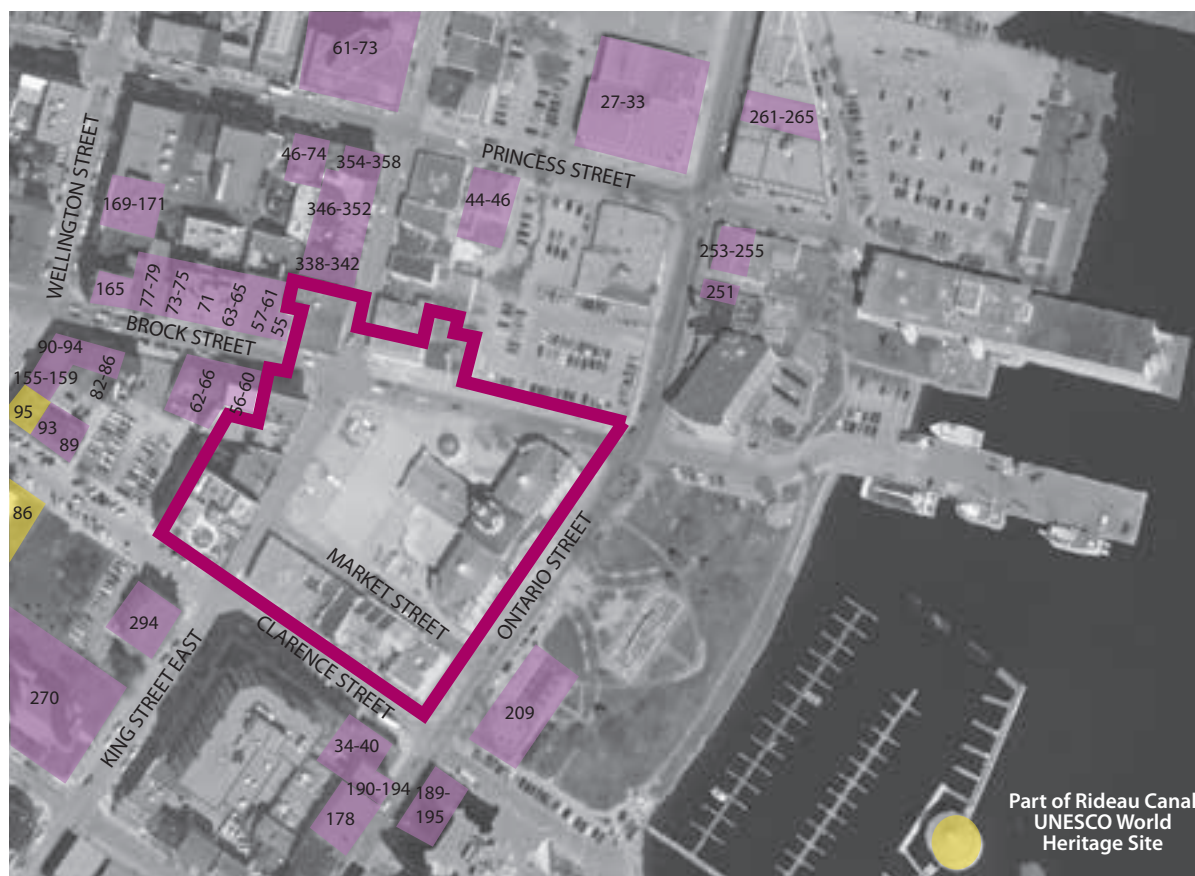
57. In situ archaeological resources plan, March 2010. (*Kingston City Hall National Historic Site of Canada: Archaeological Conservation Plan* by Cataraqui Archaeological Research Foundation)



### 3.3 Surrounding Heritage Built Form

The Market Square Heritage Conservation District is the historic centre of Kingston. Much of the built form immediately surrounding the District was constructed at the same time as the District buildings and display similar architectural styles. The map below identifies properties designated for their cultural heritage value.

The cultural heritage integrity of the buildings and parks that make up the neighbourhoods around the Market Square serve to enhance and support the District. At the centre of this historic downtown, Market Square emerges as a unique, natural public gathering place encircled by high-quality architecture that reflects Kingston's evolution as a Canadian city.



Part IV Designated Heritage Property
  National Historic Site

58. Heritage properties annotated on aerial map, 2008. (City of Kingston)



## 4 POLICY REVIEW

The purpose of this review is to document the municipal planning policy and heritage legislation as they relate to the Market Square Heritage Conservation District. Each section includes a summary of the intent of the policy, how it relates to the District area, and, as needed, recommends updates to the District Plan or municipal planning policy to best serve the objectives of the District. Some recommendations are repeated as some reports / policies covered similar issues and had similar findings.

### 4.1 Official Plan

*Cultural heritage resources, which include protected heritage buildings, built heritage resources, cultural heritage landscapes and archaeological resources will be conserved, managed and marketed for their contribution to the City's unique identity, history and sense of place in such a way as to balance heritage with environmental and accessibility concerns. Care will be taken not to put the UNESCO World Heritage Designation at risk.*

Kingston Official Plan, Section 2 Strategic Policy Direction, 2.8.9

*To respect and foster the cultural heritage resources (including buildings, streetscapes, landscapes and archaeological resources) of the Downtown and Harbour Area and provide guidelines for new private development and public investment that will complement this heritage and enhance the use and enjoyment of the Downtown and Harbour Area.*

Kingston Official Plan, Section 10 Downtown & Harbour Special Policy Area, 10A.4

Brought into effect on January 27, 2010 (and consolidated on August 1, 2011) the *Official Plan* provides detailed direction on the management of Kingston's cultural heritage resources, policy for good urban design and special policy for maintaining and enhancing the Downtown and Harbour Area.

#### *Conservation of Cultural Heritage Resources [in part]*

*7.1.10. Conserving cultural heritage resources forms an integral part of the City's planning and decision-making. The City uses the power and tools provided by legislation, policies and programs, particularly the Ontario Heritage Act, the Planning Act, the Environmental Assessment Act and the Municipal Act in implementing and enforcing the policies of this Section. This may include the following:*

- a. designating real property under Part IV, V, or VI of the Ontario Heritage Act;*
- b. requiring, as a condition of any approval, the retention of any cultural heritage resources found within a plan of subdivision, a plan of condominium, or on a retained parcel created by consent, or other land division approval;*
- c. using zoning by-law provisions as appropriate, to preserve identified significant cultural heritage resources;*
- d. using the bonus provisions of Section 37 of the Planning Act in order to maintain the integrity of identified cultural heritage resources;*
- e. using site plan control provisions to ensure that new development on adjacent properties is compatible with the adjacent identified cultural heritage resources;*
- f. using design guidelines to provide for sympathetic development of adjacent lands that are not designated, but which could impact the site of the cultural heritage resource;*

### 7.3.C Heritage Conservation Districts

A heritage conservation district is the most common type of cultural heritage landscape. Designation under Part V of the Ontario Heritage Act enables the protection of a heritage district while at the same time allowing for compatible new development. The City has two Heritage Conservation Districts, including Barriefield and Market Square, within its boundaries and has a number of other areas and corridors under consideration.

7.3.C.1. Prior to designating an area as a heritage conservation district under Part V of the Ontario Heritage Act, the City must undertake a heritage conservation district study. During the study period, alteration works on the properties within the heritage conservation district study area, including erection, demolition or removal may be regulated.

7.3.C.2. Properties designated under Part IV of the Ontario Heritage Act may be included as part of the heritage conservation district to ensure integrity of the district. Additionally, properties located within a heritage conservation district may also be designated under Part IV of the Ontario Heritage Act.

7.3.C.3. A heritage conservation district plan in compliance with the requirements of the Ontario Heritage Act must be prepared for each designated district. Such district plans are to be updated from time to time.

7.3.C.4. Any private or public work or development that is proposed within or adjacent to a designated heritage conservation district must demonstrate that it respects and complements the identified heritage character of the district or area.

7.3.C.5. A heritage impact statement may be required where construction, alteration, demolition, or addition to a property located within a heritage conservation district is proposed.

(Amended by by-law No. 2011-89, OPA #6)

The Market Square Heritage Conservation District area is acknowledged in several chapters of the *Official Plan*. First in Section 7.3.C. Heritage Conservation Districts (left) and specifically 7.3.C.8:

*Market Square, with its long tradition as a public market and its linkage to City Hall, the harbor and the Central Business District, has a heritage focus as well as a public and commercial focal point and has been designated as a heritage conservation district. Any proposed site alteration or new development will be guided by the Market Square Heritage Conservation District Plan and will maintain the district's cultural heritage resources, features and function. It will also address the following specific matters:*

- a. the City supports adaptive re-use of buildings within the Heritage Conservation District provided that the identified character-defining elements are maintained;*
- b. new buildings will reinforce and be compatible with the heritage buildings and square;*
- c. alterations, additions or renovations that enhance the heritage character are encouraged;*
- d. development in proximity to the Square must not shadow or overwhelm the Square through massing, must protect the height of City Hall as the dominant feature of the area, and must employ building materials that are compatible with, and sympathetic to the heritage character of the area; and,*
- e. signage, street furniture or landscaping will reinforce the heritage character of the area.*

It also appears in Section 10A. Downtown & Harbour Special Policy Area under Section 10A.4.12:

*Market Square and the streets that abut it are priority locations for retail use that continues the historic function of the Square. Temporary retail uses, including a farmers market, will be encouraged to locate in Market Square. Further Heritage Conservation District policies relating to Market Square are found in Section 7.3.C.8 of this Plan.*

In addition, there are guidelines in Section 8. Urban Design which will inform the Plan Guidelines as well as a specific section on City Hall.

*City Hall is the landmark and symbol of Kingston which is protected by identifying a series of viewpoints and viewplanes as shown on Schedule DH-4 of the Downtown and Harbour Special Policy Area and as set out in the following policies. The City will ensure that development will:*

- a. maintain and support the scale and character of City Hall Square and be compatible with the heritage buildings within the Downtown area east of Bagot Street when new development and redevelopment is permitted;*
- b. protect the silhouette of City Hall, having particular regard for the protection of the dome from incompatible building heights that would mask the silhouette;*
- c. prevent shadowing of City Hall Square, particularly the area of Market Square and Confederation Park;*

#### **Definition of Select Terms of the OP**

**Adjacent lands (Cultural Heritage):** In terms of evaluating potential impacts of development and site alteration on protected heritage properties, means:

- a. contiguous (abutting properties);*
- b. a property that is separated from a heritage property by a narrow strip of land used as a right-of-way, walkway, green space, park and/or easement and whose recognized heritage attributes would be impacted by the proposed development and/or site alteration; and/or,*
- c. those properties whose heritage attributes were identified within the following: a designation by-law enacted under the Ontario Heritage Act; a heritage easement enacted under the Ontario Heritage Act; a Heritage Conservation District Plan; a World Heritage Site Management Plan; a National Historic Site's Commemorative Integrity Statement, Management Plan, Federal Heritage Buildings Review Office report, or Reasons for Designation; City of Kingston's Official Plan; or, recognized heritage attributes that would be impacted by the proposed development or site alteration.*

**Archaeological resources:** Artifacts, archaeological sites and marine archaeological sites. The identification and evaluation of such resources are based upon archaeological fieldwork undertaken in accordance with the Ontario Heritage Act.

**Built heritage resources:** One or more significant buildings, structures, monuments, installations or remains associated with architectural, cultural, social, political, economic or military history and identified as being important to a community. These resources may be identified through designation or heritage conservation easement under the Ontario Heritage Act, or listed by local, provincial or federal jurisdictions.

**Compatible:** Development that is capable of co-existing in harmony with, and that will not have an undue physical or functional adverse impact on, existing or proposed development in the area, or pose an unacceptable risk to environmental or human health. Compatibility should be evaluated in accordance with measurable, objective standards based on criteria such as aesthetics, noise, vibration, dust, odours, traffic, safety and sun-shading, and the potential for serious adverse health impacts on humans or animals.

**Conserve(d) (Cultural Heritage):** The identification, protection, use and/or management of cultural heritage resources in such a way that their heritage values, attributes and integrity are retained. This may be addressed through a conservation plan or heritage impact assessment or designation

**Cultural Heritage Resources:** A human work or a place that gives evidence of human activity or has spiritual or cultural meaning, and which has been determined to have historic value. Cultural heritage resources include both physical and intangible heritage resources, protected heritage properties, built heritage resources, cultural heritage landscapes, archaeological resources, paleontological resources, and both documentary and material heritage.

**Development:** 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. underground or surface mining of minerals or advanced exploration on mining lands in significant areas of mineral po-

d. protect the viewplanes shown on Schedule DH-4 in accordance with the policies of Section 10A, the Downtown and Harbour Special Policy Area, by ensuring that new development does not obscure or overpower the dome of City Hall; and,

e. protect the viewplanes or silhouette of City Hall with the use of by-laws allowing bonusing under Section 37 of the Planning Act as set out in Section 9.5.25 of this Plan.



59. The Kingston Official Plan identifies protected views along streets to the harbour (shown as arrows) and views to the City Hall Cupola (shaded) annotated on this aerial map, 2008. (City of Kingston)

These sections provide valuable direction on the conservation of cultural heritage resources, views and view corridors, streetscapes and public spaces, new development, major development sites, signage and accessibility.

As part of the District update, the following is recommended:

- » Include the Official Plan in the District Plan's planning rationale.
- » Provide guidelines to reinforce Official Plan policies, specifically:
  - » conservation of all cultural heritage resources
  - » views and view corridors
  - » new development
  - » major development sites
  - » signage
  - » accessibility
- » Include the *Provincial Policy Statement* (2005) Section 2.6 in District Plan's planning rationale to address future development within and adjacent to the District.
- » Provide guidelines for appropriate development (new construction) adjacent to the District.
- » Require that a Heritage Impact Statement describing the potential impact of the proposed scope of work on the cultural heritage resources form part of any development application within or adjacent to the District.
- » Provide a glossary of definitions in the Plan including, but limited to, the following relevant *Official Plan* definitions: adjacent lands (cultural heritage), archaeological resources, built heritage resources, compatible, conserve(d) (cultural heritage), cultural heritage resources, development, heritage attributes, infill, protected heritage property, redevelopment, and significant.

No changes are recommended to the *Official Plan*.

*tential where advanced exploration has the same meaning as under the Mining Act.*

**Heritage Attributes:** *The principal features, characteristics, context and appearance that contribute to the cultural heritage significance of a protected heritage property.*

**Infill:** *Refers to the development or re-development of a vacant or underutilized lot, or a consolidated number of lots. Infill development encourages intensification and sustainability.*

**Protected Heritage Property:** *Real property designated under Parts IV, V or VI of the Ontario Heritage Act; heritage conservation easement property under Parts II or IV of the Ontario Heritage Act; a National Historic Site; or a property that is the subject of a covenant or agreement between the owner of a property and a conservation body or level of government, registered on title and executed with the primary purpose of preserving, conserving and maintaining a cultural heritage feature or resource, or preventing its destruction, demolition or loss.*

**Redevelopment:** *The creation of new units, uses or lots on previously developed land in existing communities, including brownfield sites.*

**Significant:** *g. in regard to cultural heritage and archaeology, resources that are valued for the important contribution they make to the understanding of the history of a place, an event, or a people.*



## 4.2 Zoning

The District Plan includes tentative zoning recommendations in Schedule 'A' of the By-Law (see Appendix 1 for by-law). In addition, zoning for the Market Square area is found in By-Law No. 96-259 Downtown and Harbour Zoning By-Law of the Corporation of the City of Kingston (passed September 10, 1996, approved in part by OMB June 4, 1997 and last printed January 2011). The District is specifically addressed in Section 8 – Market Square Commercial (CMS) Zone.

### *SECTION 8 - MARKET SQUARE COMMERCIAL (CMS) ZONE*

#### *8.1 PERMITTED USES*

*The following uses permitted uses within the Market Square Commercial (CMS) Zone:*

##### *Commercial Uses:*

*Auditorium or Public Hall; Amusement Arcade; Art Gallery; Bake Shop; Bank or Financial Establishment; Bed and Breakfast Establishment; Church or Religious Institution; Commercial Entertainment Establishment; Commercial Establishment; Commercial Recreation Facility; Commercial School; Computer Programming Establishment; Community or Recreation Centre; Convenience Store; Data Processing Establishment; Day Care Centre; Department Store; Drugstore/Pharmacy; Dry Cleaning Outlet; Florist; Food Store (with less than 275 m<sup>2</sup> of commercial floor area); Funeral Home; Hardware Store; Hotel; Laundry (Coin Operated); Liquor or Beer Store; Medical Clinic; Medical Office; Mixed Commercial/Residential Development; Nursing Home; Office; Office Supply and Equipment Sales, Rental and Service; Parking Lot; Personal Service Establishment; Pet-Grooming Establishment; Photo or Artist Studio; Photocopying or Blueprinting Shop; Photofinishing*

*Establishment; Postal or Courier Service; Private Social and Cultural Facility; Public Market; Public Use; Rental Outlet; Repair Service; Restaurant; Restaurant (Outdoor Patio); Restaurant (Take-Out); Service Establishment, Specialty Retail Store; Video Rental*

**Non-Commercial Uses:**

*Community Home, Community Support House, Crisis Care Shelter, Home Occupation, Recovery Home, Residential Care Facility*

## 8.2 REGULATIONS

*Within the Market Square Commercial (CMS) Zone, no lot shall be used or developed and no building or structure shall be altered, enlarged, erected, renovated or used except in compliance with the applicable regulations contained in Section 5 of the General Provisions, the regulations set out in Table 8.2, and as specified below:*

**Table 8.2**  
**Regulations Governing Market Square Commercial (CMS) Zone**

Minimum Lot Area	nil
Minimum Lot Frontage	nil
Minimum Yards	In accordance with Section 8.2.1
Maximum Lot Coverage	100 %
Minimum Lot Coverage	50 %
Maximum Building Height	In accordance with Section 8.2.2
Minimum Building Height	In accordance with Section 8.2.2(b) and (h)
Maximum Density	123 residential units per net hectare
Off-Street Parking	In accordance with Sections 5.22.5.5, 5.22.5.6, 5.22.5.7 and 8.2.3
Off-Street Loading	nil
Amenity Area	In accordance with Section 5.5

### 8.2.1 MINIMUM YARDS

*For all permitted uses there shall be no minimum front, side or rear yard requirements except where an adjacent previously erected building has established a front yard, the building to be erected shall have a front yard of an equal depth. Where previously erected buildings with*

*established front yards are adjacent to both sides of a building to be erected, the minimum required front yard shall be the average of the front yards of the two adjacent previously erected buildings.*

#### **8.2.2 BUILDING HEIGHT**

*(a) The height of existing buildings shall not be increased.*

*(b) Notwithstanding Section 5.23.3.2, the building height of any new building which is replacing a building, damaged or destroyed only by fire or an Act of God, shall be the same as the height of the original building.*

*(c) The maximum building height of any new building, other than those referred to in Section 8.2.2(b) above, shall not be greater than the highest building which is located within the same block and is zoned CMS.*

*(d) For buildings located on corner lots the top of the highest projection along the facade shall not exceed 0.5 metres (1.7 feet) above the highest parapet line on a building which is located within the same block and is zoned CMS.*

*(e) For buildings located on interior lots, the top of the highest projection along the facade shall not exceed 0.5 metres (1.7 feet) above the higher parapet line of the two adjacent buildings.*

*(f) For buildings with a flat roof, the roof line shall be lower than the parapet.*

*(g) The tower of the Prince George Hotel shall not be defined as a parapet or a roof.*

*(h) The minimum building height of any new building, which is replacing a building except as provided for in Section 8.2.2(b), shall be the same as the height of the original building.*

#### **8.2.3 OFF-STREET PARKING**

*(a) No parking shall be permitted in the front yard of any building.*

*(b) No parking shall be permitted less than 1.5 metres (4.9 feet) from any adjacent residential premises.*

#### **8.2.4 CONVERSION OF EXISTING BUILDINGS**

*Notwithstanding any provision of this By-Law to the contrary, any building erected on or before the date of approval of this By-Law and located in the CMS Zone, may be converted in such a manner as to contain one or more residential units subject to the regulations of the CMS Zone as set out in Section 8.2 of this By-Law provided that:*

*(a) all such residential units are located in or above the second storey (exclusive of the basement or cellar),*

*(b) there is no expansion or enlargement of the external walls or roof of the existing building; and*

*(c) save and except that there shall be no regulations regarding Minimum Front Yards, Side Yards, Rear Yards, Maximum Percentage of Lot Coverage, and Amenity Area.*

#### **8.3 SPECIFIC CMS ZONES**

##### **8.3.1 330 KING STREET (NORTHWEST CORNER OF BROCK AND KING STREETS) (CMS-1)**

*Notwithstanding any of the provisions of this By-Law to the contrary, the following regulations shall apply to the CMS-1 Zone.*

#### **8.3.1.1 REGULATIONS**

##### **(a) MAXIMUM BUILDING HEIGHT**

*Notwithstanding Section 8.2, the maximum permissible height for any building or structure shall be four (4) storeys not to exceed 16.46 metres (54 feet).*

The By-Law also includes the zoning for the adjacent major development sites at Northwest Corner of Ontario and Brock Streets (C1-15) and 77 Clarence Street (C1-17). See Section 5 Potential Development Sites Related to the District for more information.

As part of the District update, the following is recommended:

- » Provide guidelines that respect By-Law No. 96-259 Downtown and Harbour Zoning By-Law as described in Sections 8.1 Permitted Uses and 8.2 Regulations.
- » Evaluate the specific CMS zoning for 330 King Street (northwest corner of Brock and King Streets) (CMS-1) to ensure it best provides for future conservation of the site. This may include guidelines for rehabilitation or redevelopment that is compatible with the heritage character of the District.
- » Include the Provincial Policy Statement (2005) Section 2.6 in the District Plan's planning rationale to address future development within and adjacent to the MSHCD. Specifically in relation to the following adjacent properties:
  - » northwest corner of Ontario and Brock Streets; and
  - » 77 Clarence Street.

An amendment to the zoning may be required if the design guidelines approved for new construction in and adjacent to the District are not compliant with the current zoning.



### 4.3 Downtown & Harbour Area Architectural Guidelines Study

Completed on December 6, 2007, the *Downtown and Harbour Area Architectural Guidelines Study* provides guidelines for the evaluation of future development within the downtown and including the Market Square area. The guidelines work to preserve the unique historic character of the area while allowing for growth and change, and were used as background information for the subsequent Official Plan and Zoning By-law review.

Section 2 of the report is the Architectural Character Statement that relays the historical development of Kingston's downtown and describes the heritage attributes (architectural and street-scape character) of each of the sub areas. Within the Market Square area description the following observations are of note:

#### *Integrity:*

- *Intact except for the east half of the block along north side of Brock between King and Ontario Streets.*
- *Former bank at the northwest corner of King and Brock disrupts harmonious urban grouping.*

#### *Landscapes and Public Open Spaces:*

- *Market Square the major urban space in the downtown.*

#### *Historic Views:*

- *Market Square is a contained urban viewscape, though partially overshadowed by new highrises to west.*
- *City Hall dome and clock tower dominate the space.*
- *Views of east harbour.*
- *Terminated vista down Market Street of former train station.*

Section 3 is the Architectural Character Plan which provides recommendations for enhancement including:

*Elements to be encouraged:*

- *High ground floor at pedestrian walk.*
- *Large amounts of permeable glazing at pedestrian walk.*
- *Clearly defined public realm (different material for pedestrian and vehicular paving).*
- *Structural bays at ground floor create visual permeability.*
- *Views from surrounding buildings are inward to the square.*

*Approaches to Enhancement Existing:*

- *Encourage the same or similar uses for existing buildings.*
- *Preserve, rehabilitate, restore facades and details of existing buildings.*

*New Development, enhancement through complementary development:*

- *New buildings should be complementary to existing buildings with respect to build-to plane, height of street-façade, setbacks, façade treatment, materials and colours.*
- *Street facades should have priority for retail, with indoor malls having only second priority.*
- *No automobile based land uses should be allowed.*

Section 4 provides architectural guidelines of which the following relate directly to the Market Square area:

*7. Protect views along Brock and Clarence Street to harbour.*

*8. Protect views to cupola of City Hall.*

*9. Protect views to, and visual linkages between the Shoal Tower, Royal Military College and other historic fortifications in the harbour area.*

*10. New development and renovations are designed to be accessible to all.*

*12. Retain and enhance existing heritage character following the Parks Canada Standards and Guidelines for the Conservation of Historic Places.*

As part of the District update, the following is recommended:

- » Provide a statement of cultural heritage value that includes the development history of the District area.
- » Provide Statements of Significance to describe the heritage attributes and integrity of the built form.
- » Provide guidelines that:
  - » Conserve the architectural integrity of the District;
  - » Allow for new compatible and complementary development;
  - » Conserve and engage Market Square as an animated public space; and
  - » Protect views and view corridors.
- » Provide guidelines for appropriate development (new construction) adjacent to the District.
- » Include and reference the *Parks Canada Standards and Guidelines for the Conservation of Historic Places* in the District guidelines.

60. Concept schematic for Confederation Park. (*Downtown Action Plan*)



#### 4.4 Downtown Action Plan

The *Downtown Action Plan: An Infrastructure Renewal and Public Open Space Plan* (completed in 2003 and endorsed by Council September 2004) is an urban design study for Kingston's downtown and includes the Market Square area. It provides design recommendations to enhance public open space – streets, parks and the waterfront. These recommendations sought to increase green space and connections to the waterfront. Coordinate street-scape improvements, identify tourism and recreation opportunities, and improve traffic movement.

A key component of this Plan is the creation of a 'town centre' within the historic district. It identifies Kingston City Hall as the 'heart' of the downtown - a landmark within the rich urban setting of the Market Square, Confederation Park, Boucher Park, and Brock / Clarence and Ontario Streets. The Plan further identifies Confederation Park as an under-realized and cluttered opened space with the potential to be a remarkable forecourt to City Hall.

In order to fully realize the potential of this centre the Plan recommends the following:



- » Protect views to City Hall;
- » Protect views from City Hall to the Shoal Tower and the water;
- » Rejuvenate Confederation Park to showcase the historic importance of the site and reinforce the visual connection between City Hall to the water and Shoal Tower.

Since the completion of this report the views to and from City Hall have been explored further in the *Downtown and Harbour Area Architectural Guidelines Study* and protected in the *Official Plan*.

As part of the District update, the following is recommended:

- » Provide guidelines that protect the views to and from Kingston City Hall.

#### **4.5 Archaeology Master Plan**

The *Archaeological Master Plan*, adopted by Council on May 18, 2010, provides for the conservation of Kingston's archaeological resources. The Plan includes operational planning policies, guidelines, and provisions for implementation as well as selected documentation of known archaeological sites in Kingston. The Plan serves as a development planning tool as well as serving to inform culture and cultural tourism policies.

Within the Plan, the Market Square Heritage Conservation District is designated as a Archaeologically Sensitive Area (ASA) and is known to contain significant archaeological resources.

As part of the District update, the following is recommended:

- » Provide a statement of cultural heritage value that includes the archaeological value of the Market Square and the District area;
- » Provide guidelines that protect the below grade built heritage of the Market Square site;
- » Require that an Archaeological Assessment form part of any development application within or adjacent to the District as it is located within an ASA.

#### 4.6 Signage By-law

Signage is regulated under By-Law No. 2009-140 *A By-Law to Provide for the Prohibition and Regulation of Signs and Other Advertising Devices in the City of Kingston* (passed on October 20, 2009 and Office Consolidation December 20, 2010).

The Signage By-Law provides the following requirements for heritage properties:

*2. Applicability, 2.4: Any application for a sign permit on a Designated Heritage Property is subject to the regulations of the Ontario Heritage Act and the requirements of Council, including recommendations of the Municipal Heritage Committee.*

*4. General Provisions, 4.13: Any sign on an historically designated property requires approval from the Municipal Heritage Committee prior to issuance of a sign permit.*

*6. Prohibited Signs, 6.3: Roof sign or billboard sign in any heritage designated areas or on any heritage designated buildings.*

*Schedule "R-3" – Sign By-Law No. 2009-140  
Roof Signs, 9: Roof signs are prohibited in all heritage designated areas and on all heritage properties.*

As part of the District update, the following is recommended:

- » Provide guidelines to reinforce the Signage By-Law, specifically:
  - » Identify preferred signage types, number, size, materials, illumination, etc;
  - » Prohibit roof or billboard signs.
  - » Identify temporary signage as a minor alteration such that applications found to comply with the guidelines may be approved by staff.

No updates to the Signage By-law are required.

#### 4.7 First Capital Place

The First Capital Place 2009 policy provides guidelines for the programming and operations of this collection of public gathering spaces in Kingston's downtown. This area is defined as:

*a central gathering space that includes Memorial Hall, Springer Market Square, Confederation Park, Flora MacDonald Confederation Basin and the roads, sidewalks and buildings which surround and connect the four properties: Brock Street, King Street, Market Street and Ontario Street.*

The intent of this initiative is to animate the downtown through public programming that should 'blend history and tradition with today's interest and lifestyles'. The Market Square programming includes the Kingston Public Market (priority), concerts with stage, historic re-enactments / celebrations, events of civic, provincial or national importance, and winter events requiring a skating rink. With regard to the south court yard of Market Square, events are restricted to small performance based events that complement First Capital Place and do not obstruct access to City Hall.

The First Capital Place initiative has contributed greatly to the revitalization of Market Square and the success of the District in general. It respects and capitalizes on the District's unique sense of place to create a public amenity and a cultural tourism destination.

As part of the District update, the following is recommended:

- » In the description of major / minor alterations, identify temporary installations and signage for event programming within Market Square as minor alterations to be reviewed and approved by staff.
- » Identify opportunities to collaborate with First Capital Place to promote and interpret the heritage character of the District.

#### 4.8 Kingston Culture Plan

The *Kingston Culture Plan* (published 2010 and endorsed by Council September 2010) provides a vision and recommendations for authentic and sustained cultural vitality across the broader City of Kingston. The Plan seeks to engage Kingston's rich cultural heritage through its stories and places, and identifies opportunities for collaboration with non-profit arts and culture based organizations.

**Rehabilitation** - The action or process of making possible a continuing or compatible use of a historic place or an individual component, while protecting its heritage value.

- Parks Canada Standards and Guidelines for the Conservation of Historic Places, second edition, 2010.

Within the *Kingston Culture Plan* heritage conservation districts are seen as opportunities to foster the community's cultural values and encourage revitalization. It envisions District planning focused on the rehabilitation of heritage properties to enliven the downtown centre.

The Plan also speaks to the heritage stewardship in Kingston and makes recommendations for innovation and leadership including:

*Recommendation 50: That the City of Kingston delegate authority to address details of heritage projects to municipal heritage staff.*

*Recommendation 51: That the membership of the Kingston Municipal Heritage Committee reflect a broad range of community perspectives.*

*Recommendation 52: The mandate and activities of the Kingston Municipal Heritage committee should address the broad array of opportunities and projects presented by Kingston's heritage and intangible history.*

*Recommendation 53: That the City of Kingston develop a corporate Heritage Strategy and Master Plan to address a broad array of opportunities and projects presented by Kingston's heritage and intangible history.*



*Recommendation 54: That Cultural Services, in consultation with representatives of the heritage community, report on the details and feasibility of establishing a Heritage Conservation Resource Centre in Kingston City Hall.*

As part of the District update, the following is recommended:

- » Provide guidelines that allow for the rehabilitation of heritage properties.
- » Work with Cultural Services to identify opportunities to promote the District as a cultural destination.

#### **4.9 Ontario Heritage Act**

In 2005, the *Ontario Heritage Act* was updated to include new provisions in regards to heritage conservation districts. Firstly, the Act grandfathered in all existing district by-laws. Secondly, the amendment provided clear direction with regard to new heritage conservation districts being under taken - the scope of a District Study, content of a District Plan, and required public consultation. Finally, it clarified that a property could be protected under both Part IV and V of the *Act* and that, in the event of conflict, a District Plan prevails over municipal law.

While the *Act* respects and supports existing districts passed adopted as a by-law, as with any planning policy it is prudent to review and update a District Plan periodically to ensure it is not in conflict with other policy and it demonstrates best practice.

As part of the District Plan update, it is recommended it include the content requirements set out in the *Ontario Heritage Act* as follows:

*a) a statement of the objectives to be achieved in designating the area as 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 proposed updates to the District Plan must follow the public consultation requirements set out in the Act for any new District Plan.

#### **4.10 The Planning Act**

The *Planning Act* (2009) serves to promote economic development through fair and cooperative land-use planning. One of its responsibilities is to be mindful of the matters of the provincial interest including our cultural heritage resources.

##### *PART I PROVINCIAL ADMINISTRATION*

##### *Provincial interest*

*2. The Minister, the council of a municipality, a local board, a planning board and the Municipal Board, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,*

*(d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;*

As part of the District update, the following is recommended:

- » Include the *The Planning Act* in District Plan's planning rationale.

#### 4.11 Provincial Policy Statement

The Ontario *Provincial Policy Statement* (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The Statement "is intended to be read in its entirety and the relevant policies are to be applied to each situation" (PPS Part III).

Section 2.6 of the PPS titled "Cultural Heritage and Archaeology" provides particular direction concerning heritage sites. Policy 2.6.1 of the PPS states that "significant built heritage resources and significant cultural heritage landscapes shall be conserved".

Policy 2.6.1 attaches two terms in association with the term "significant", namely "built heritage resources" and "cultural heritage landscapes".

Policy 2.6.3 of the PPS makes the following statement about development and site alterations in relation to built heritage resources:

*Development and site alteration may be permitted on adjacent lands to protected heritage property 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.*

#### Definition of Select Terms of the PPS

**Built heritage resources:** [M]eans one or more significant buildings, structures, monuments, installations or remains associated with architectural, cultural, social, political, economic or military history and identified as being important to a community. These resources may be identified through designation or heritage conservation easement under the Ontario Heritage Act, or listed by local, provincial or federal jurisdictions.

**Conserved:** [M]eans 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. This may be addressed through a conservation plan or heritage impact assessment.

**Cultural heritage landscape:** [M]eans 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 sites and natural elements, which together form a significant type of heritage form, distinctive from that of its constituent elements or parts. Examples may include, but are not limited to, heritage conservation districts designated under the Ontario Heritage Act; and villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, trailways and industrial complexes of cultural heritage value.

**Significant:** [R]esources that are valued for the important contribution they make to our understanding of the history of a place, an event, or a people.

#### NEGATIVE IMPACTS

**Negative Impact** on a cultural heritage resource include, but are not limited to:

**Destruction** of any, or part of any, significant heritage attributes or features;

**Alteration** that is not sympathetic, or is incompatible, with the historic fabric and appearance;

**Shadows** created that alter the appearance of a heritage attribute or change the viability of a natural feature or plantings, such as a garden;

**Isolation** of a heritage attribute from its surrounding environment, context or a significant relationship;

**Direct or indirect obstruction** of significant views or vistas within, from, or of built and natural features;

**A change in land use** such as rezoning a battlefield from open space to residential use, allowing new development or site alteration to fill in the formerly open spaces;

**Land disturbances** such as a change in grade that alters soils, and drainage patterns that adversely affect an archaeological resource.

#### MITIGATION OR AVOIDANCE

Methods of minimizing or avoiding a negative impact on a cultural heritage resource include, but are not limited to:

- Alternative development approaches
- Isolating development and site alteration from significant built and natural features and vistas
- Design guidelines that harmonize mass, setback, setting, and materials
- Limiting height and density
- Allowing only compatible infill and additions
- Reversible alterations
- Buffer zones, site plan control, and other planning mechanisms

*Mitigative measures and/or alternative development approaches may be required in order to conserve the heritage attributes of the protected heritage property affected by the adjacent development or site alteration. (Provincial Policy Statement (2005), Policy 2.6.3)*

In the *Ontario Heritage Tool Kit* booklet entitled *Heritage Resources in the Land Use Planning Process* direction is provided on how the PPS informs the conservation of cultural heritage resources. It recommends requiring a Heritage Impact Statement to evaluate the proposed development and demonstrate that the heritage attributes of the heritage property or adjacent heritage property is protected. The booklet identifies negative impacts on a cultural heritage resource and mitigation approaches to be addressed as part of the Heritage Impact Statement (see side bars).

As part of the District update, the following is recommended:

- » Include the *Provincial Policy Statement* in District Plan's planning rationale.
- » Require that a Heritage Impact Statement form part of any development application for a property within or adjacent to the District. The application and scope of the Heritage Impact Statement is to comply with the Official Plan.



#### **4.12 Accessibility for Ontarians with Disabilities Act**

The *Accessibility for Ontarians with Disabilities Act* (last amended in 2009) was passed by the Province of Ontario in 2005 with the purpose of developing, implementing and enforcing accessibility standards in Ontario with the involvement of persons with disabilities. One of the focuses is to ensure that all buildings and structures are accessible to all by 2025.

##### *PART I INTERPRETATION*

##### *Purpose*

*1. Recognizing the history of discrimination against persons with disabilities in Ontario, the purpose of this Act is to benefit all Ontarians by,*

*(a) developing, implementing and enforcing accessibility standards in order to achieve accessibility for Ontarians with disabilities with respect to goods, services, facilities, accommodation, employment, buildings, structures and premises on or before January 1, 2025;*

As part of the District update, the following is recommended:

- » Provide guidelines that allow for and provide strategies for accessibility upgrades to cultural heritage resources while mitigating the visual and/or physical impact.

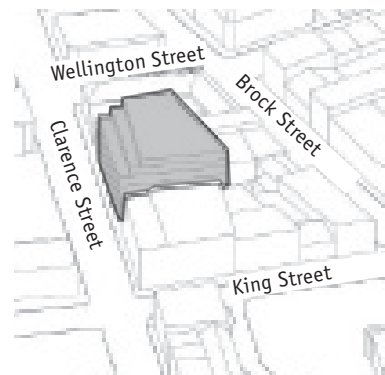
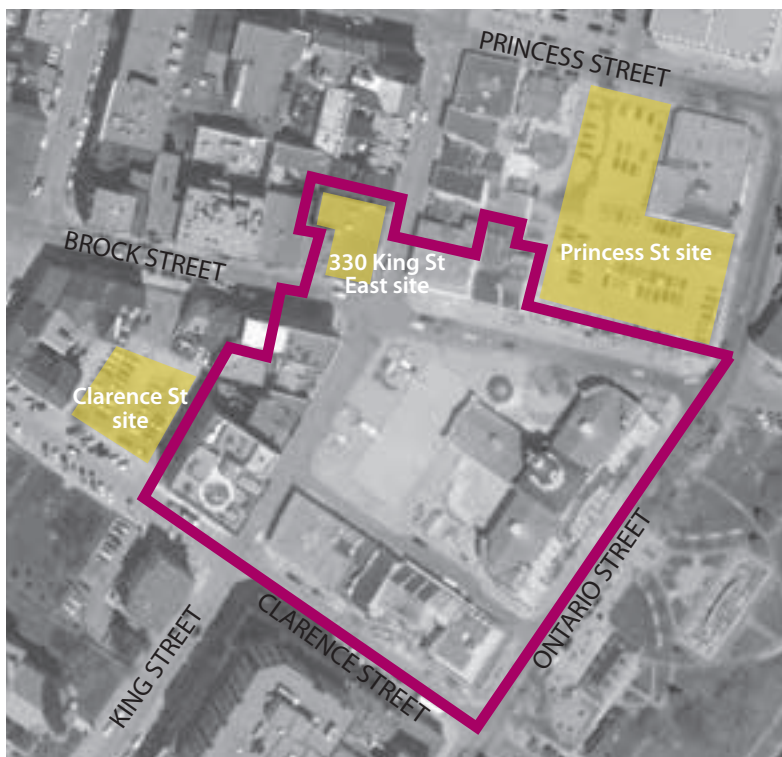


## 5 POTENTIAL DEVELOPMENT SITES RELATED TO THE DISTRICT

The *Official Plan* identifies two major development sites adjacent to the Market Square District as part of the Downtown and Harbour Special Policy Area: the south side of Princess Street Between King and Ontario Streets (known as the Sugarman Lot or Quay Property) and the north side of Clarence Street Between Wellington and King Streets. These sites, as well as 330 King Street, are identified in the *Downtown and Harbour Architectural Guidelines Study*.

In order to inform detailed guidelines for new construction within and adjacent to the District, the future development potential of these sites was reviewed to begin to envision the mature build out of Market Square and its immediate context.

This review worked to support the urban design of the area: low-rise, compact buildings, historic buildings, pedestrian oriented - and utilize these traits to conserve the traditional Downtown Ontario feel of this unique precinct.



61. Potential build out at Clarence Street site - bird's eye view to north west. (*Downtown and Harbour Area Architectural Guidelines Study*)



62. Potential build out of Princess Street site - bird's eye view to north west. (*Downtown and Harbour Area Architectural Guidelines Study*)



63. Former building at 330 King Street East, postcard pre-1840. (Collection of J. McKendry)



64. Former building at 330 King Street East by architect William Cloverdale. Photo c. 1859 by William Notman (McCord Museum)

### 5.1 330 King Street East

At 330 King Street East is the former TD Bank building in the brutalist style. Constructed in 1963 the building is the only example of post war architecture in a District characterized by its 'classical' architecture. While the building does contribute to the District's architectural evolution, it is inconsistent with the primarily 19th and 20th century architectural character of the District and is identified in the *Downtown and Harbour Architectural Guidelines Study* as a candidate for future redevelopment. Unlike its predecessors (see images to the left) the limited glazing at the ground floor does not engage the pedestrian, and the built form of its neighbours and past buildings here suggest that the property could support a three storey structure.

The Zoning for this site (CMS-1) is as follows:

*Maximum height: 4 storeys not to exceed 16.46m.*

Since commencing this review, alterations to this property have been approved by KMHC and Council.



65. View north across Market Square, 2010. (Google Maps streetview)



66. View north across Market Square showing the allowable massing (4 storeys) at 330 King Street East. (Sketch on Google Maps streetview)



## 5.2 Princess Street Site (Sugarman Lot or Quay Property)

This site is a surface parking lot recommended for a multi-storey parking garage in the original District Study and subsequently approved for redevelopment as part of an Ontario Municipal Board hearing in 1998 (File No.: R960303). The site has frontage on to three streets and occupies half a city block. The potential redevelopment of the site is a candidate for a new large scale development. The *Official Plan* Section 10A.5.3 states this site may accommodate development subject to the following conditions:

1. *build at the street edges or align with the facade of existing character defining buildings, especially along Princess Street where a continuous retail frontage at grade along the street is a character defining and historic element of the street;*
2. *modify the angle of the Brock and Ontario Streets corner setback through a modification to the approved zoning in accordance with the recommendations of the Downtown and Harbour Architectural Guidelines to enable a view corridor to City Hall from farther north along Ontario Street;*
3. *restrict vehicle access to Ontario Street; and,*
4. *explore the potential of creating an additional mid-block walkway and courtyard as set out on Schedule DH-3.*

The Zoning for this site (C1-15 Zone) is:

*Maximum height at Build-to-Plane 3 storeys not to exceed 12.1m, top of 4th storey 15.8m, maximum building height 6 storeys not to exceed 23.0m and top of mechanical penthouse or similar not to exceed 25.5m.*

*Angular plane commences at 15.3 m.*

*Fourth storey setback of min. 1.5 m along Ontario and Brock Streets.*

*No construction shall occur at the intersection of Brock and Ontario to form a triangle extending 12m along each street.*

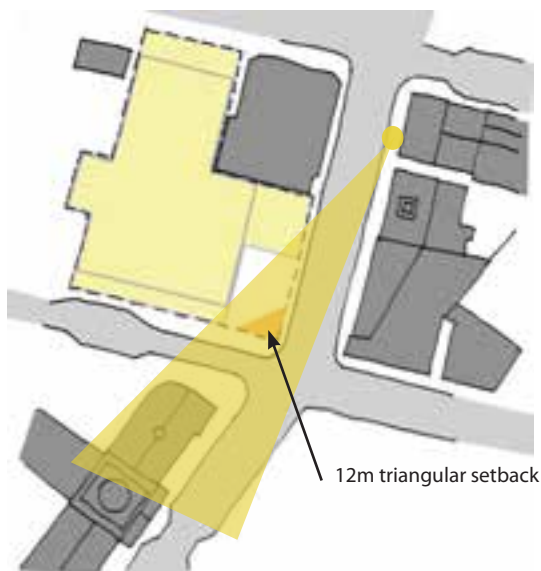
(OMB Order No. 0406 Issued February 16, 1998)



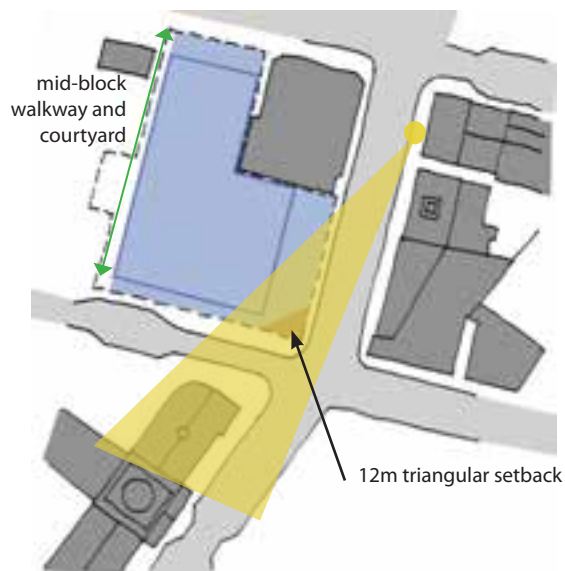
67. Detail of 1950s aerial photo of the Princess Street site shows previous built form. (*Archaeological Excavation & Mitigation of Market Square, BbGc-88, Volume I*)

The following sketches were undertaken to better understand how this site could be redeveloped in compliance with the requirements of the Official Plan and the Zoning. In the second scheme the built form is extended to the corner of Brock and Ontario Streets to demonstrate the limited impact that a continuous wall at the sidewalk would have on the view to the City Hall Cupola.

The sketch on the opposite page shows the visual impact that developing the 330 King Street and Princess Street sites would have on the Market Square street wall.



68. Massing scheme 1: Open space at grade and varying 4th floor step back (solid blue line) to allow for view to City Hall cupola. This view based on *Downtown and Harbour Architectural Guidelines*.



69. Massing scheme 2: Continuous 3 storey retail frontage on Princess, Ontario and Brock Streets and varying 4th floor step back (solid blue line) to allow for view to City Hall cupola.



70. Sketch perspective of Massing scheme 1



71. Sketch perspective of Massing scheme 2



72. View north across Market Square showing 330 King Street East (4 stories) and Princess Street development (3 storey continuous street wall stepped back to 4th and 5th floors. (ERA sketch on Google Maps Streetview)

### 5.3 Clarence Street Site

Directly north of the District boundary, and adjacent to the Whig -Standard Building, is a surface parking lot that once housed 2 1/2 storey buildings. The *Official Plan* Section 10A.5.5 states this site may accommodate a new large scale development, and any proposal is encouraged to:

1. *ensure that the design of any vehicle entrance from Clarence Street will preserve the Clarence Street streetscape of St. George's Cathedral and its contiguous open space;*
2. *explore the potential of creating an additional mid-block walkway and courtyard as set out on Schedule DH-3 in conjunction with the development of the site; and,*
3. *recognize the heritage context of the area.*

The Zoning for this site (C1-17 Zone) is as follows:

*Height at Build-to-Plane 5 storeys not to exceed 17.0m.*

*Maximum building height 7 storeys not to exceed 23.16m.*

(By-Law 98-140, OMB Order No. 0460 Issued March 9, 1999)



73. Four 2 1/2 storey buildings at Clarence Street site as shown on Kingston Fire Insurance Plan, 1908. (Library and Archives of Canada)

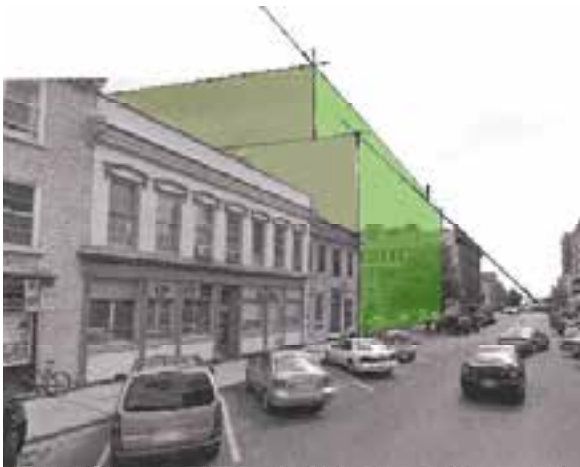
The following sketches were undertaken to understand the visual impact of the redevelopment of this site and how it could be shaped to meet the requirements the Official Plan and the Zoning. In an effort to best contribute to the existing streetwall, this scheme proposes that a new building here would step back at the 4th floor (in line with the Whig building top of parapet).



74. View south-east on Clarence Street. (Google Maps Streetview)



75. View on north-west Clarence Street. (Google Maps Streetview)



76. View north-west on Clarence Street showing a 5 storey building: 3 storey street wall stepped back at 4th floor. (Sketch on Google Maps Streetview)



77. View north-west on Clarence Street showing a 5 storey building: 3 storey street wall stepped back at 4th floor and vehicular access at south with link to Whig building. (Sketch on Google Maps Streetview)



#### 5.4 Case Study: Centre d'interprétation de Place-Royale, Old Quebec City

The Centre d'interprétation de Place-Royale in Old Quebec City is an example of a site redevelopment and building rehabilitation that successfully integrates a new large scale development expresses a clearly contemporary architectural style within a historic district.

Similar to the recommendations for the Princess Street site, this properties overlooks a public courtyard and includes a mid-block walkway. This building rehabilitation included the partial retention of the courtyard facade with a new storefront and building beyond. This building demonstrates how contemporary new construction can contribute to the heritage character of it surroundings through the use of compatible massing, proportions and materials.



78. View from courtyard. (wikimedi)



79. Annotated aerial view of site. (Google Maps)



80. View from road. (Google Maps Streetview)



81. Storefront. (ERA Architects Inc.)



## 6 CASE STUDIES

In Ontario there are currently 104 heritage conservation districts designated under Part V of the Ontario Heritage Act<sup>1</sup>. These districts are diverse in their size, use type and age. The first district was passed in 1980, Meadowvale Village in Mississauga, and the most recent was in 2011, Harbord Village in Toronto. The Districts reflect a range of neighbourhood sizes and uses. The Fort York HCD (Toronto) protects one property while the South Rosedale HCD encompasses over one thousand properties. The districts cover a range of uses including: commercial, residential, institutional, city owned lands, museum, rural and industrial. Most are made up of one type of use but some reflect a combination of uses.

As part of this evaluation commercial and main street heritage conservation districts were reviewed to compare how other municipalities approach the scope and management of districts. Notes are provided on the general objective of the heritage conservation district, the scope of the guidelines, the heritage permit application process as well as any other unique aspects of the District Plan. The following case studies were selected because they are commercial town centres of a similar size and span the 30 year history of heritage conservation districts in Ontario.

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<sup>1</sup> This is based on the *List of Heritage Conservation Districts* on the Ontario Ministry of Tourism, Culture and Sport website January 2012.

## 6.1 Bayfield HCD, Bluewater Municipality

Date of designation: 1982 (by-law 182-1982), 1991 (A)

Number of properties: 31

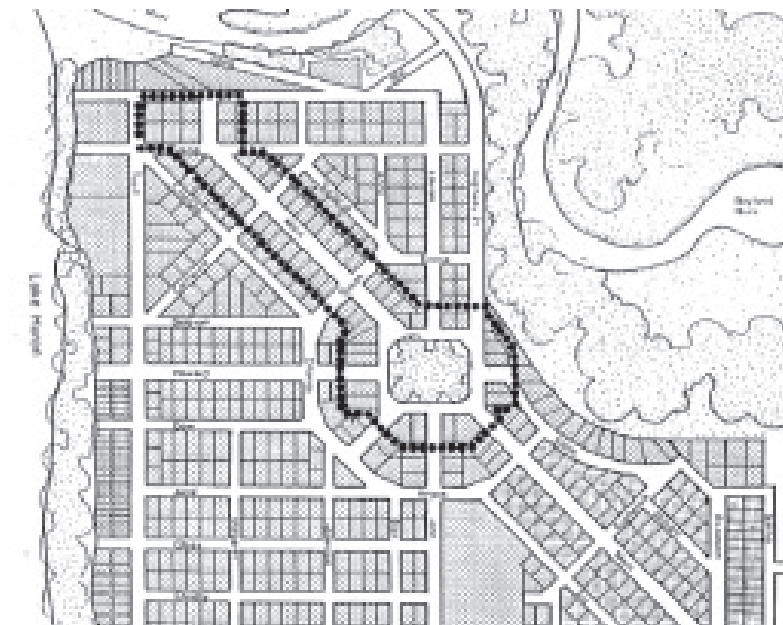


82. Sketch of view along Main Street.  
(Bayfield HCD Plan)

The intent of this District is to support Main Street and Clan Gregor Square as the business district and the village's market area through the restoration of its buildings and the wide tree lined streets. The HCD includes all properties, both contributing and non-contributing, along Main Street and that overlook the square. The guidelines cover: landscaping, signs and new building design (style, height, proportions, location, material, texture, colour, details, fences, ground coverage and scale).

One unique aspect of this District Plan is that it includes economic objectives (promote investment here and provide incentives to heritage property owners) and social objectives (maintain small village atmosphere and value community's heritage).

In terms of municipal process, heritage permit applications are reviewed by staff, the LACAC and require Council approval.



83. Bayfield HCD boundary. (Bayfield  
HCD Plan)

## 6.2 The Square HCD, Goderich

Date of designation: 1982 (by-law 02-82)

Number of properties: 29

The intent of this District is to reinforce the Square and its market as a business centre of Goderich through the preservation of its historic building fabric. The District, made up of late 19-century building stock, identifies properties to be conserved as well as others for redevelopment.

The Plan provides guidelines on a block by block basis. The guidelines in the Study serve to reinforce the character and viability of the Square through: the conservation of upper stories, identification of specific restoration work to be undertaken, compatible and coordinated alterations to storefronts, restricting signage to ground floor level and stating that new development is to be compatible in material, height, proportion, rhythm and colour.

In August 2011 Goderich was hit by a tornado and many of the heritage buildings were severely damaged. The town is currently developing a strategy for rebuilding its historic center. Heritage permit applications are reviewed by staff, Heritage Goderich and require Council approval.



84. Aerial view, 1950. (Gordon Henderson, Historic Places website)



85. District Area. (Town of Goderich by-law 1993-26, Schedule B)



### 6.3 Victoria Square Park HCD, City of Brantford

Date of designation: 1991 (by-law 119-91)

Number of properties: 15



86. View of Victoria Park. (Brantford Biz blog)

The intent of this District is to preserve the character of Victoria Square in its immediate setting. The final District Boundary included all properties, both contributing and non-contributing, that encircle the square but excluded Victoria Park and the Public Library as these properties were already designated under Part IV of the *Ontario Heritage Act*.<sup>2</sup> The properties represent a range of styles dating from 1850-1978. Each type is represented by several examples.

The guidelines serve to reinforce the character of Victoria Square through landscape improvements, preservation of vistas, building conservation and compatible new construction.

Heritage permit applications are reviewed by staff, the Heritage Committee and require Council approval.

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<sup>2</sup> The 2005 Ontario Heritage Act (Section 41(2)) allows property to be designated under both Part IV (individual) and Part V (HCD).



87. Victoria Square Park HCD boundary annotated on 2010 aerial map. (Google Maps)

#### 6.4 Collingwood Downtown HCD, Collingwood

Date of designation: 2002 (by-law 02-112), 2008 updated

Number of properties: 260

This District serves to preserve the character of Collingwood's downtown core and recognizes its heritage character as contributing to the Town's economic development. The Plan provides detailed guidelines for new construction (commercial and house form), streetscapes and townscapes.

This Plan was updated in 2008 to be compliant with the *Ontario Heritage Act* and *Provincial Policy Statement*. As such, it identifies work that does not require a permit (interiors, insulating / caulking, roof repairs, minor restoration and planting, Minor Heritage Permits (any other change to exterior), Heritage Building Permit (work that requires a building permit) and Site Plan Control Permit - all with application requirements.

Heritage permit applications are reviewed by staff, the District committee and require Council approval.



88. Historic photograph of streetscape. (Collingwood Downtown HCD Plan)



89. District boundary. (Collingwood Downtown HCD Plan)

## 6.5 Downtown Port Perry HCD, Township of Scugog

Date of designation: 2010 (by-law 91-2010)

Number of properties: 59



90. Historic photograph along Queen Street East. (Downtown Port Perry HCD)

The intent of this HCD is to enhance the historic downtown as a cultural and commercial hub through historic building preservation and compatible new design. The Plan includes graphics which articulate typical building facade components.

The Plan provides detailed guidelines for alterations to contributing buildings describing approach to and scope of conservation and repair work. It also provides new construction guidelines including general massing and proportions as well as architectural features - materials, paint colours and storefront design. The Plan also identifies work that does not require a permit (interiors, landscape renewal, maintenance repairs, installation of eavestroughs).

Staff has delegated authority to process heritage permit applications found to comply with the District Plan. Any non-complying and demolition applications proceed to Council for a decision.



91. Commercial Building Facade Components diagram. (Downtown Port Perry HCD)

## 7 SWOT ANALYSIS

The findings included in this SWOT analysis are largely informed by the consultation meeting held with property owners, stakeholders and city staff on February 10, 2011.

One of the primary findings of this consultation is that the Market Square Heritage Conservation District is supported by the property owners and other stakeholders. The District is largely self-regulated and proposed alterations tend to support the heritage character of the District. This friendly system contributes to the success of the District and infers that the defensibility of the District has not yet been tested.

One of the potential opportunities explored in this analysis was enlarging the District boundary to reflect the City Hall precinct, mainly to add Confederation Park, the Harbour and the Shoal Tower. Since the adoption of the District in 1985 the City of Kingston has undertaken planning, architectural and urban design, archaeological and operational studies that overlap with the District area. The studies recognize the City Hall, Market Square, and Confederation Park to the Shoal Tower as the centre of the Kingston's historic downtown and praise the heritage integrity of the area as a whole. At the fore of these studies is the need to properly protect, enhance and promote the area as a significant cultural destination through protection of views and view corridors, quality conservation work, and considered guidelines for development. There is also direction on how to capitalize on the area's role as a vibrant public place and cultural destination.

While expanding the District boundary to coincide with the planning and programmatic framework of this area would provide greater consistency, it would require either an amendment to the HCD Plan by-law or undertaking a second phase of the District. Both options would require Council approval and are open to appeal at the OMB. It would also shift the cultural heritage

*ERA would like to thank the following property owners, stakeholders and city staff who participated in this consultation:*

- *Cindie Ashton, Communications Officer, Strategy, Environment & Communications*
- *Sue Bazely, Cataraqui Archaeological Research Foundation*
- *Lynda Breen, Supervisor, Recreation Services, City of Kingston*
- *Kim Brown, Manager, Engineering*
- *John Grenville, Parks Canada*
- *Ashley Henderson, Heritage Building Official, Building & Licensing, City of Kingston*
- *Andrew Hill, Frontenac Heritage Foundation*
- *Lindsay Lambert, Heritage Planner, Planning & Development, City of Kingston*
- *Marcus Letourneau, Heritage Planner, Planning & Development, City of Kingston*
- *Alan McLeod, Senior Legal Council, Legal Services, City of Kingston*
- *Cherie Mills, Manager, Policy Planning, City of Kingston*
- *Marc Raymond, property owner*
- *Doug Ritchie, Business Improvement Association*
- *Brian Springer, property owner*
- *Del Stowe, Permit Supervisor, Building & Licensing, City of Kingston*
- *Rob Tamblyn, Development Manager, Downtown Kingston BIA*
- *Marnie Venditti, Manager, Planning & Development, City of Kingston*
- *Colin Wiginton, Manager, Cultural Services, City of Kingston*
- *John Johnson, Manager, Facilities, Real Estate and Construction, City of Kingston*

value from being centred on Market Square to Kingston City Hall and the supporting publicly owned assets. This is not in keeping with the original objective of the District: “To preserve and enhance the historical and architectural character of the Market Square.”

Instead the City and stakeholders could develop strategies to conserve and promote the heritage character of the District in collaboration with the adjacent cultural heritage sites. This could include:

- » an interpretation plan for the larger area; and
- » cultural heritage landscape analysis of Confederation Park and guidelines for its conservation and future change.

The following is a summary of the points discussed at the stakeholder meeting.

#### **STRENGTHS**

- » The District has been effective in preserving the heritage character of the Market Square through the designation of it and the properties that encircle the square.
- » The District has been an effective tool in supporting the transformation of the Square from a parking lot to an active public square. This in turn has improved the public and commercial value of the area and provided traffic calming.
- » The District is passed by by-law and, as such, takes precedence over other planning policy.
- » The District is supported by property owners, stakeholders and the City.

#### **WEAKNESSES**

- » The effectiveness of the District Plan is largely reliant on the interpretation of the Plan by staff, the Kingston Municipal Heritage Committee (KMHC) and City Council.
- » Although many applications are minor in nature (repair, weatherstripping, paint colours, raingear, etc.), the review and approval time can be 2-3 months as all applications require approval from the KMHC and City Council. A few attendees noted that this time line for approvals can be challenging for new building owners or business operators in a commercial district.
- » The District Plan does not provide guidelines for temporary and reversible signage and/or installations related to event programming in the Market Square.
- » The District Plan does not speak to the appropriateness of parking within the Market Square.
- » The District Plan does not provide guidelines or procedures for demolition applications.



- » The District Plan does not include protection of vistas or views. Protection of views of the City Hall Cupola are included in the Official Plan.
- » The District boundary speaks only to the market; it does not engage the traditional civic precinct of City Hall, Confederation Park (with former train station and Spirit of John A locomotive), the harbour or the Shoal Tower.
- » The District boundary does not coincide with the First Capital Place area including City Hall, Confederation Basin, Confederation Park, surrounding roads and Springer Market Square.
- » The District Plan does not include the heritage value of archaeology and below-grade cultural heritage resources.
- » The District Plan does not address interpretation.

## OPPORTUNITIES

- » Demonstrate leadership in heritage planning by being the first in the province to update an early District to align with the current heritage and planning context.
- » Provide a statement of heritage value that speaks to the broader history of the area and include archaeology.
- » Provide a detailed description of heritage attributes to inform future alteration and/or development applications.
- » Include *Provincial Policy Statement* direction or requirements for development adjacent to heritage properties in the Plan.
- » Provide detailed new construction design guidelines to ensure any replacement structures contribute to the character and animation of the District.
- » Update guidelines to reference current accessibility standards.
- » Update guidelines to allow for green building technologies.
- » Provide direction on how to limit the impact of parking within the Market Square.
- » Further improve traffic calming while maintaining the 'busy-ness' of a vital cultural tourism destination.
- » Delegate authority to staff to approve application that comply with the guidelines to reduce time line for application review and improve costumer service.
- » Identify temporary and reversible signage and/or installations related to event programming in the Market Square as minor.

- » Identify minor alterations (repair, weatherstripping, paint colours, raingear, etc.) that do not require a heritage permit.
- » Update District Plan to allow for greater collaboration with the First Capital Place event programming.
- » Update District Plan to reinforce the Market Square and area's strong sense of identity.

### **THREATS**

- » The District Plan may not protect the District from unsympathetic development applications on the two adjacent parking lot sites: Brock and Ontario Streets, and mid block on Clarence Street between King Street East and Wellington Street.

### **OTHER CONSIDERATIONS**

- » Update the District so as to not put the existing District at risk for appeal at the Ontario Municipal Board.
- » In regard to the Brutalist style building at the corner of Brock Street and King Street East, there was discussion about its cultural heritage value and attributes. This led to conversation about potential guidelines for compatible new commercial construction that would contribute to the character of the District: a glazed storefront, materials, punched openings, etc.
- » There have been no demolition applications since the District by-law was passed.
- » The guidelines and procedures included in this updated District Plan will inform future heritage districts in Kingston.
- » The City is currently undertaking a Comprehensive Zoning By-law review.
- » There was concern that a contemporary building may not be complimentary within or adjacent to the District.

## 8 FINDINGS & RECOMMENDATIONS

This review of the Market Square Heritage Conservation District found that the District Plan has achieved its primary objective to maintain and enhance the heritage character of the District. The integrity of the heritage attributes of the surrounding architecture has been conserved while allowing for change. In addition there has been complementary improvements that have promoted Market Square area as a cultural tourism destination including the renovation of the Market Square itself in 2005, the thoughtful programming of this downtown public space and the restoration of several buildings within the District.

As with all similar projects we recommend that the District Plan is updated to be consistent with current planning policy and heritage legislation. We also recommend that the updates engage opportunities to strengthen and promote the District through culture and tourism initiatives.

***Amend the Plan to comply with the content of the plan description in the Ontario Heritage Act and including design guidelines for building rehabilitation, new construction and potential development adjacent to the District.***

Under the current *Ontario Heritage Act* (2005) all new heritage conservation districts passed by by-law are required to include the following:

- » Statement of objectives
- » Statement of cultural heritage value or interest
- » Description of heritage attributes
- » Policy statement, guidelines and procedures
- » Description of the major and minor alterations

One of the primary objectives of this recommendation is to provide guidelines for new development within and adjacent to the District that are compatible with the character of the district, improve the street experience and connect the District



92. Current Market. (Google maps)

with its neighbours. While the current District Plan provides Objectives and General Guidelines for the Rehabilitation of Existing Buildings and New Construction, the direction included in the by-law is brief and out of date. The Plan relies heavily on staff, the heritage advisory committee and Council to steward the District and independently judge the appropriateness of applications. This, in combination with conflicts with other planning guidelines and policies, puts the District at some risk should the rejection of an unsympathetic heritage permit or adjacent development application be appealed.

Updating the District Plan will also offer the opportunity to reconcile it with other policy:

#### Statement of objectives

- » Reinforce and elaborate on the City of Kingston's vision for the historic downtown and harbour area as set out in the municipal policy.
- » Include objectives which foster public engagement and support as well as cultural tourism and economic development.

#### Statement of cultural heritage value or interest

- » Provide a defensible statement that identifies the values (design, historical and contextual) and attributes of the District. This will serve to inform decision-makers in evaluating heritage permit applications, signage applications and/or development applications within or adjacent to the District.
- » Identify the existing archaeology (based on the findings of the 2005 archaeological excavations detailed in the *Archaeological Excavation and Mitigation of Market Square* report) as part of the cultural heritage value of the District.
- » Promote an understanding of what makes this space special.



93. City Hall as viewed from the harbour c. 1888 (X15676). (*New Brunswick Museum, Chronology of Kingston City Hall*)



94. Photograph of excavation at tavern bar-room cellar. (*Archaeological Excavation & Mitigation of Market Square, BbGc-88*)

### Description of heritage attributes

- » Evaluate the individual properties to verify that they contribute to the cultural heritage value of the District.
- » Provide defensible statements that identify the heritage attributes of the District (each property, the market square and streetscape). This will serve to inform decision-makers in evaluating heritage permit applications, signage applications and/or development applications adjacent to the District.

### Policy statement, guidelines and procedures

- » Include the current *Ontario Heritage Act*, *Provincial Policy Statement* and *The Planning Act* in the planning rationale to provide guidance for heritage permit applications and development applications within or adjacent to the District.
- » Include the Parks Canada *Standards and Guidelines for the Conservation of Historic Places* as a conservation guideline to inform the evaluation of all heritage permit applications.
- » Update the Plan to reflect current municipal planning policies and guidelines including the *Official Plan*, zoning, *Downtown and Harbour Architectural Guidelines*, *Downtown Action Plan*, *Archaeological Master Plan*, *Signage By-Law*, *First Capital Place* and *Kingston Cultural Plan*.
- » Provide detailed conservation guidelines for additions and alterations to buildings within the District based on accepted guidelines and current best practice.
- » Provide detailed urban design guidelines for redevelopment within and adjacent to the District with special consideration to the streetwall - engage ground level activity and provide connections to the surrounding neighbourhoods.
- » Provide guidelines that allow for alterations to make building fully accessible.
- » Provide guidelines on how to approach upgrades to improve a building's energy efficiency.
- » Provide signage and streetscape design guidelines.



95. Postcard of vibrant market and commercial buildings , c 1855.  
(McKendry Collection from *Chronology of Kingston City Hall*)



96. 330 King Street East. (Google maps streetview)



- » Revise heritage permit application procedure to provide staff with delegated authority to review and approve minor applications found to conform with the District guidelines.



97. Brock Street showing signage, awnings, outdoor seating, sidewalk treatment and lamp posts. (Google maps streetview)

#### Description of the major and minor alterations

- » Revise the application process to shorten the length of time it takes to process a heritage permit application (including signage applications).
- » Identify maintenance work that does not require a heritage permit.
- » Identify temporary installations and/or signage within Market Square as a minor alteration.
- » Identify minor alterations that may be reviewed and approved by staff if found to be compliant with the District guidelines.
- » Identify major alterations that require review and approval by the heritage advisory committee and City Council.

#### ***Identify opportunities to promote the heritage character of the District, such as interpretation and collaboration with other cultural and tourism initiatives in the City.***

Municipalities and property owners within commercial heritage conservation districts are increasingly recognizing the protection of their heritage character as an economic development benefit, especially as it relates to tourism and recreation.



98. Photograph of "Public gathering on lawn of Frontenac County Court House, Kingston, Ont." between 1898-1920. (Ontario Archives)

While heritage conservation district plans do not typically provide direction related to opportunities to enhance cultural tourism, the Market Square area is a particularly rich historic site and a growing cultural tourism destination. The recent research completed on City Hall and Market Square (historical, architectural and archaeological) provides a multitude of opportunities for collaboration and interpretation through storey-telling and mapping. This could be further supported by undertaking

cultural heritage landscape analysis of Confederation Park and preparing a plan for its conservation and guidelines for future change.

The development of cultural and tourism objectives would:

- » Support the *Official Plan* strategic goal to conserve, manage and market their cultural heritage.
- » Promote the Market Square and the surrounding area as a unique place and cultural tourism destination.
- » Collaborate with the First Capital Place event programming initiative.
- » Recognize and promote Market Square's archaeological resources.
- » Support the *Kingston Culture Plan* goal to engage Kingston's rich cultural heritage through its stories and places.



## 9 CONCLUSION

This report finds that the existing Market Square Heritage Conservation District Plan would benefit from an update that would bring it in alignment with current planning policy, heritage regulating framework and legislation, and best practice.

### *Further Reports and Studies*

The next step in the process of updating the Heritage Conservation District is to prepare for the first public consultation meeting. This meeting will include presenting the findings of the District Review and the following DRAFT Heritage Conservation District Plan material for comment:

- a) a statement of the objectives to be achieved in designating the area as 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) statements of significance for each property.

*Project Personal*

*MICHAEL McCLELLAND, PRINCIPAL, OAA, FRAIC, CAHP*

Michael McClelland, a founding principal of ERA Architects Inc., is a registered architect specializing in heritage conservation, and in particular in heritage planning and urban design. After graduating from the University of Toronto Michael worked for the municipal government most notably for the Toronto Historical Board, advising on municipal planning, permit and development applications, and on the preservation of municipally-owned museums and monuments.

Michael is well known for his promotion and advocacy for heritage architecture in Canada and in 1999 was awarded a certificate of recognition from the Ontario Association of Architects and the Toronto Society of Architects for his contribution to the built environment and to the profession of architecture.

*LINDSAY REID, ASSOCIATE, OAA, CAHP, LEED AP*

Lindsay is a licensed architect with more than eleven years of experience in the field of heritage conservation. She has a special interest in the conservation of our cultural institutions as well as the protection and appreciation of our modern heritage. In this area she has worked on many award-winning projects including Ruthven Park NHS, the Distillery District NHS and, as a volunteer, the 1953-2003 TSA Guide Map to post war architecture in Toronto.

She has extensive experience in all stages of building analysis, planning, municipal approvals, design, contract documents, field review and project administration for conservation and renovation projects. Lindsay's experience also includes employment as a heritage planner for the City of Toronto. There she expanded her project management, negotiation and public consultation skills and gained a more comprehensive understanding of cultural heritage and planning policy. She is currently working on a Heritage Conservation District Study for Downtown Picton.



## 10 APPENDICES

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**Appendix 1: By-Law No. 84-172 - Market Square Heritage Conservation District Plan**

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## Appendix 2: District Photographs



View looking east across Market Square. (Google Maps 2011)



View looking west across Market Square. (Google Maps 2011)



View looking south along Market Street. (Google Maps 2011)

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### Appendix 3: Sources

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