

# Old Sydenham Heritage Area Heritage Conservation District Plan



WELLINGTON STREET LOOKING WEST TO CITY PARK

PHOTO BY CARL BRAY

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# Users' Guide:

(This does not constitute part of the District Plan.)

## Frequently Asked Questions About District Designation

### **What is a Heritage Conservation District?**

It is an area of special character, combining older buildings and their settings that, together, make up a district that has an identifiably distinct “sense of place”. The heritage resources within a district include buildings, structures, cultural landscapes, and sites of archaeological potential as well as intangible resources, such as associations with historical events and traditional activities. The *Ontario Heritage Act* is special legislation allowing district designation and codifying an area’s “heritage character” in order to protect the elements that define its character.

### **Why was the Old Sydenham Heritage Area selected for study as a Heritage Conservation District?**

Containing one of the highest concentrations of historic buildings and cultural landscapes in Kingston, and one of the highest in Canada, this downtown neighbourhood has been identified as warranting conservation since the early 1960s. For many years since then the City of Kingston Official Plan identifies this area as a priority for potential designation as a heritage conservation district, and other City policies promoting sustainability, cultural planning and tourism all support this goal.

### **How would District designation impact residents?**

Designation allows the City to manage change within the district in ways that will conserve and enhance district character. Designation also celebrates what is special about the district, building community pride and encouraging compatible improvements to both public and private properties. Proposed changes of a major sort are regulated by the City, using policies and guidelines produced as part of the District Plan.

## **How does District designation affect changes to my property?**

Designation entails a municipal requirement for a heritage permit for any significant change to the public face of your property (i.e. front, sides and roof, but usually not the rear). Routine maintenance is not affected, and professional staff work with property owners to provide advice on compatible alterations, using guidelines in the District Plan.

## **Will the value of my property change?**

Studies in Canada and the United States have shown that property values in Heritage Conservation Districts either stay the same or increase.

## **Where do I find information in this Plan?**

This document is intended to be used by the general public as well as by City staff. It contains the information required by the Province of Ontario for the preparation of Heritage Conservation District Plans, as laid out in the *Ontario Heritage Act* and described in the Ministry of Tourism, Culture and Sport's Ontario Heritage Tool Kit. To learn more about the District Plan, you can also contact the City's heritage planners, at (613) 546-4291, extension 3180 or at [heritage@kingston.ca](mailto:heritage@kingston.ca).

The Plan has three main sections and appendices:

Part A: Conserving and Enhancing District Character, which describes the reasons for designation and shows the district boundary;

Part B: District Guidelines, which provides detailed advice for the conservation of buildings and landscapes within the district and establishes criteria to evaluate any changes, including new construction; and

Part C: Managing Change, which sets out the process for regulating change in the District, including heritage permit applications.

Appendices, which do not form part of the District Plan, include an inventory and evaluation of District properties (separate document), recommendations for municipal staff in implementing the Plan and a record of public consultation.

The Plan should be read as a whole, however, each section is a discrete document, and the guidelines can be referred to individually. So, for example, if you wish to find advice on what actions require a heritage permit, you can refer directly to that section. Similarly, if you seek advice on how best to undertake an alteration to a heritage building, that section can be referred to directly. Refer to the table of contents to find the section you need.



CARTWRIGHT HOUSE

# **PART A: Conserving and Enhancing District Character**



# 1. Introduction

## 1.1 Old Sydenham as a Potential Heritage Conservation District

The Old Sydenham Heritage Area has been the subject of a Heritage Conservation District Study (2009) that supports the designation of the area as a Heritage Conservation District (HCD) under Part V of the *Ontario Heritage Act*. Representing over 200 years of Kingston's history, the heritage character of the Old Sydenham area is that of a mature downtown residential neighbourhood of human scale, bounded by major institutions and by the shore of Lake Ontario. The Heritage Conservation District includes an exceptional concentration of the finest examples of 19<sup>th</sup> Century architecture, a distinctive street pattern offering significant historic views for both residents and pedestrians, important public buildings, an early fortification (Murney Tower, a National Historic Site and component of the Rideau Canal and Kingston Fortifications UNESCO World Heritage Site), 3 other National Historic Sites forming the Court House complex; as well as memorials and expansive open spaces located in City Park and Macdonald Park. The landscaping, laneways, irregular setbacks as well as the variety of architecture and the social and economic mixture of incomes and tenancies also form character-defining elements of the area.

## 1.2 What is a Heritage Conservation District?

A Heritage Conservation District is a distinctive urban setting that has significant historical value. Its special character is often a function of the age of its structures, the history of its occupation, and the land uses it contains. The boundaries may be sharply defined, as along a waterfront, or blurry, as in mixed use areas. The Provincial Ministry of Tourism, Culture and Sport, (the "Ministry of Culture") the agency responsible for heritage planning, defines districts broadly, from a group of buildings to entire settlements. The key is that the defined area has "a concentration of heritage resources with special character or historical association that distinguishes it from its surroundings" (Ontario Heritage Tool Kit, Heritage Conservation Districts, 5).

As described in greater detail in the Old Sydenham Heritage Area Heritage Conservation District Study, Old Sydenham has probably one of Canada's highest concentrations of these elements and certainly contains the most within the City of Kingston. It is primarily for this reason that the area should be designated as a Heritage Conservation District.

Heritage districts are not new: they have been widely used in Britain and Europe since the end of WWII, in the United States since the 1950s, and in Canada since the 1970s. They have proven to be effective ways of conserving and enhancing special places while supporting the everyday lives of residents and visitors.

The Tool Kit (op. cit., 10) goes on to describe the common characteristics of heritage districts. They are:

- “A concentration of heritage resources” (buildings, sites, structures, landscapes, archaeological sites) that have some common link for reasons of use, aesthetics, socio-cultural or historical association;
- “A framework of structured elements” that provide edges, such as major routes, shorelines, landforms, or land uses;
- “A sense of visual coherence” that is expressed in built form or streetscapes, and;
- “A distinctiveness”, whether tangible or not, that makes the district recognizably different from its surroundings.

The intent is to establish a Heritage Conservation District that conserves and enhances the heritage character of Old Sydenham. As the first new district to be designated in Kingston in over twenty years, and the first since the 2005 revisions to Provincial heritage policies, the plan should serve as a prototype for similar designation processes that the City intends to undertake for other areas of the municipality.

### **1.3 Contents of a Heritage Conservation District Plan**

Any Conservation District Plan must comply with Subsection 41.1(5) of the *Ontario Heritage Act*, and must include the following:

- i. A statement of objectives to be achieved in designating the area as a heritage conservation district;
- ii. A statement explaining the cultural heritage value or interest of the heritage conservation district;
- iii. A description of the heritage attributes of the heritage conservation district and of the properties in the district;
- iv. Policy statements, guidelines and procedures for achieving the stated objectives and managing change in the heritage conservation district; and
- v. A description of the alterations or classes of alterations that are minor in nature and that the owner of the 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.”

### **1.4 District Planning Process and Mandate**

The Province of Ontario has legislation allowing municipalities to apply additional levels of protection to areas that have heritage value. Subsection 41.(1) of the *Ontario Heritage Act* enables municipal councils to designate all or part of the municipality as a Heritage Conservation District (HCD). As stated in the Provincial Ministry of Culture’s “Ontario Heritage Tool Kit” for HCDs, “district designation enables the council of a municipality to manage and guide future change in the district, through adoption of a district plan with policies and guidelines for conservation, protection and enhancement of an area’s special character. (p.5)”



The current District Plan must be seen in the context of the designation process for such Plans. There are three basic steps: study; plan; and designation. The designation process begins with a request to designate, originating from a municipal council or from the public, in consultation with its Municipal Heritage Committee. Once Council has authorized commencement of a study to determine if the area warrants designation, a request for proposal is typically prepared, with detailed study goals and objectives based on the requirements of the *Ontario Heritage Act*, and a proposed study boundary. The study phase began with an assessment of the study area identified by the municipality. The District Study included a history of the area's development and an inventory of its heritage resources (buildings, cultural landscapes, areas of archaeological potential) following guidelines that are found in the Ontario Heritage Tool Kit, and involving public consultation. The area's cultural heritage resources are then evaluated, using the Ontario Heritage Tool Kit's criteria.

Assuming that the result of this evaluation is favourable, the next step is a recommendation for Council to authorize the preparation of a District Plan containing policies, design guidelines and a regulatory process. Following public consultation, if the Plan is adopted by Council, designation by-laws are passed and, if there are no objections from the public, the district comes into effect.

In addition to policy statements in the City's Official Plan, the mandate for designation of Old Sydenham originated with a letter (June 5, 2006) to Council from the Sydenham Ward Tenants and Ratepayers' Association requesting that an HCD Study be undertaken. Council approved that request and issued a proposal for heritage consulting services, won by a team led by Bray Heritage. That team completed the Study in 2009 and recommended that the City proceed with designation and provided a recommended district boundary. In November, 2009, Council approved the recommendation and authorized staff and the consulting team to proceed with preparation of a District Plan. The District Plan contains policies, guidelines and an approval process for implementing the Plan. Taken together, the District Study and the District Plan constitute the documents required for preparation of the by-law to designate the Old Sydenham Heritage Area as a Heritage Conservation District under Part V of the *Ontario Heritage Act*.

## **1.5 Benefits of Designation**

### **Promoting Civic Pride**

The "sense of place" generated by Old Sydenham is determined by the experience of being in and around its physical setting, that is, its buildings, streetscapes and parks. These "cultural heritage resources", to use the term found in Provincial planning and heritage legislation, are precious and deserve good stewardship. Numerous comments from both new and long-time residents support this. In response to these values, designation is a means by which local owners and tenants are able to express pride in their property and in the area as a whole: it is also a way of promoting public appreciation of local history.

## Managing Change

Changes brought about by downtown revitalization, as well as neglect or natural disaster, can have a negative impact on these settings and erode local identity. To counter these trends, district designation is one of the most effective heritage planning tools available to Ontario municipalities. While the *Planning Act* handles most of the land development issues, it makes little reference to matters of community identity and heritage. Except where individual properties have been designated under Part IV of the *Ontario Heritage Act*, Old Sydenham's cultural heritage resources are not protected in any meaningful way by the current policies in the City's Official Plan or Zoning By-law. By contrast, the recently updated Provincial Policy Statement and *Ontario Heritage Act* put the onus on municipalities to conserve "significant" cultural heritage resources, and provide policy tools and procedural guidelines with which to do so. Designation of a district under Part V of the *Ontario Heritage Act* is the means by which a municipality puts these tools and guidelines to use, and fills the policy gap left by the *Planning Act*.

## Encouraging Compatible Growth

Heritage conservation district designation is not necessarily, as the term may seem to imply, a device for preserving an existing setting. The main focus of district designation is change management. In recognizing the inevitability of change, designation can plan for its best course. Change in a neighbourhood is the result of conscious action, in the case of renovation or new development, or inaction, in the case of deterioration by neglect. Neighbourhoods can change for the worse, sometimes before people realize it is too late, when the "tipping point" has been reached, and the area's "carrying capacity" has been exceeded. A district designation can help identify these critical thresholds and provide policy tools to ensure that they are respected.

At the very least, designation can identify the types of changes that suit neighbourhood character, and those that do not. Property owners get the information they need to make informed choices for improvements, and the municipality gets the guidelines and legislative mandate to regulate changes. In practice, change management in a Heritage Conservation District is seldom imposed from above but, rather, involves an ongoing discussion between property owners and City staff and Municipal Heritage Committee, based on policies and guidelines found in the District Plan, as to what the best course of action will be.

There is much public support for designation in Old Sydenham. Some issues have been expressed, however. Key matters are the degree of regulation imposed by designation (e.g. "will the municipality tell me what colour I can paint my house?"), the cost of maintaining or upgrading older properties, the potential to "gentrify" the area and remove the rental and ownership mix, and the mix of institutional and commercial land uses now present, and the potential effect on property values. Regulation is something the Heritage Conservation District Plan addresses, and is influenced by comments from local residents. The degree of regulation is moderate and the process is overseen by trained heritage staff and volunteers. The process is designed to be transparent and straightforward, and follows guidelines that are based on widely accepted ways of dealing with older properties.

As for other issues, worries about gentrification and property values can, to some extent, be calmed by reference to the experience of other Ontario municipalities in which heritage districts that have maintained diversity and stabilized or improved property values, and in which local property owners and tenants have expressed high degrees of satisfaction with the results of designation. Although designation entails an additional level of municipal control over changes to property, it also helps stabilize areas, enhancing investment by reducing risk. The District Plan should also be monitored and reviewed at regular intervals, in order to ensure its effectiveness in addressing current conditions. And at a very basic level, one benefit of designation is often improved enforcement of existing property standards, an ongoing concern for residents and the municipality alike.

## 2. Statement of Objectives

### 2.1 Rationale for Designation

Aside from addressing the policies in Provincial planning legislation and related policy initiatives from the City of Kingston, a proposal to designate a heritage conservation district in Old Sydenham must meet the requirements of the *Ontario Heritage Act*. The Act requires District Plans to include specific reasons for justifying a proposed district designation. The rationale should include an explanation of what designation entails and should refer back to the findings of the District Study. As discussed above, designation does not entail freezing the district in time. Rather, designation is a form of change management that allows communities to control the rate and type of change within the district. As discussed more fully in the Heritage Conservation District Study, designation of a district protects the essential elements that make up the area's character, but it does not preclude change. Rather, it is a management tool that retains the essential functional and visual elements that exhibit or express the history of the district, while allowing and encouraging changes that conserve and enhance those elements.

With this definition in mind, the rationale for designation can be summarized as follows:

- Old Sydenham is one of the oldest neighbourhoods in Kingston and possesses over 200 years of cultural heritage resources of local, national and international significance, one of the highest concentrations in Canada. These resources include built heritage resources, cultural landscapes, potential archaeological resources, and associations with important people and events in city's history.
- The stability of the area is due in part to the large number of properties designated under Part IV of the *Ontario Heritage Act*: of the over 500 properties in the area, approximately 200 are individually designated.
- The inventory and evaluation of the study area have shown that these heritage resources merit conservation.
- The condition of the neighbourhood is generally good: its heritage resources are largely intact.
- The area shows evidence of the major stages of its evolution.
- Provincial planning policies require conservation of significant cultural heritage resources, as does the City of Kingston Official Plan.
- The Official Plan for the City of Kingston identifies the study area as a distinct historic district, or "character area", and includes policies and guidelines for its conservation and enhancement.
- There is strong public support for designation.

- District designation has proven to be the best policy tool available to Ontario municipalities for meeting their conservation goals and objectives.

In summary, designation of a Heritage Conservation District benefits property owners and the community at large by:

- Increasing community stability;
- Protecting and managing heritage resources (buildings and structures, cultural landscapes, areas of archaeological potential, associative values);
- Providing information and guidance to property owners for maintaining and enhancing their properties;
- Making the area eligible for any available financial assistance for conservation work, from municipal, Provincial or Federal sources; and
- Fostering promotion of the area’s assets through interpretation (such as walking tours, interpretive media).

## **2.2 Summary Statement of District’s Cultural Heritage Value or Interest**

The *Ontario Heritage Act* also requires proposed Heritage Conservation Districts to provide a summary of the proposed district’s heritage character. From the District Study (Section 6.1.1), it is recognized that the character of the study area conforms to the characteristics of heritage conservation districts, as defined by the Ministry of Culture in the Ontario Heritage Tool Kit, in the following ways:

- A concentration of heritage buildings, sites, structures, designed landscapes, natural landscapes that are linked by aesthetic, historical and socio-cultural contexts or land use. The proposed district has all of these.
- A framework of structured elements including major natural features such as topography, land form, landscapes, watercourses and built form such as pathways and street patterns, landmarks, nodes or intersections, approaches and edges. The proposed district has a distinct block pattern on sloping ground, is bounded by major routes and changes in land use, has many landmarks, and contains a lake shore and major park.
- A sense of visual coherence through the use of such elements as building scale, mass, height, material, proportion, colour, etc. that convey a distinct sense of time or place. The proposed district is varied but visually unified in all of these ways.
- A distinctiveness which enables districts to be recognized and distinguishable from their surroundings or from neighbouring areas. The proposed district is visually, culturally and historically distinct from adjacent districts.

And also from Section 6.1.1 of the District Study: “Furthermore, the Tool Kit identifies three main types of districts – designed, evolved and associative – that can be used as a means of defining the distinctive character of the proposed district. From the Tool Kit description of each

type, the proposed district is clearly an evolved district, that is, a place that has grown over time and which has elements that document the process of its evolution, which is dynamic or continuing to evolve while maintaining a continuum with the past.”

So, in order to define the area character in the Province’s required form, the many heritage characteristics can be described in condensed fashion. The following is a summary of the characteristics our historical research has revealed and that are found in comments from our interviews and survey responses, as described in the Old Sydenham Heritage Conservation District Study. There is certainly an emphasis on architecture but there are also comments on landscape as well as the social and economic aspects of the area. What emerges is a recurring theme of wholeness, a sense that the individual elements identified as having value somehow have a collective identity as well. It is this collective sense of place, of character, that will determine the area’s eligibility for designation as a Heritage Conservation District.

The district, as well as each sub-district, has its heritage character identified in terms of “character defining elements” or, to use the term currently found in Ontario heritage planning policies and guidelines, “heritage attributes”. These are described in more detail in Section 3 of the District Study, under categories found in the criteria for district designation in the Ontario Heritage Tool Kit, and covering built heritage resources, cultural heritage landscapes and archaeological resources. For the purposes of this Plan, they are summarized below. Overall, the district’s heritage value is summarized in a “statement of cultural value or interest”. For the Old Sydenham Area, this “statement” can be summarized as follows:

**The Old Sydenham Area is a mature downtown residential neighbourhood bounded by major institutions and by the lake shore. It contains properties that represent over 200 years of Kingston’s history and are some of the finest examples of 19<sup>th</sup> century construction in Canada. It has generous park space that is both a place of recreation and remembrance. It remains an area with a mixture of incomes and tenancies. The area is built to a human scale that encourages experiencing it on foot.**

Heritage attributes include:

- Varied ages, styles and types of buildings, with both vernacular and architect-designed examples of over two centuries of architectural styles;
- A compact scale comprised of street width, building height (predominantly 2-3 storeys) and setback;
- The presence of landmark civic properties (school, courthouse/registry office, churches) integrated within a residential neighbourhood and dominating the skyline;
- Prominent buildings at street corners;
- Views down streets to the lake, to the park and to the downtown;
- An irregular street grid that offers continuously changing views;
- Trees lining streets and dominating rear yards;

- Surviving examples of historic landscape elements such as period planting layouts, walls, fences and street furniture;
- Presence of National Historic Sites and portions of a World Heritage Site;
- A generally high standard of care for buildings and landscapes;
- Proximity to the downtown, major institutions and the lake; and
- Physical evidence and historical associations with every stage of Kingston’s history.

## **2.3 Description of Sub-Area Heritage Attributes**

### **2.3.1 King Street Corridor (Refer to page 51 of the District Study)**

King Street is a ceremonial entrance to the downtown lined with ornamental planting and major buildings, and with an alignment that echoes the curve of the shoreline. Heritage attributes include:

- Buildings that form a strong street edge;
- Prominent residential and commercial buildings at street corners;
- Buildings and building groups associated with the work of prominent Kingston architects that display a high degree of craftsmanship and design merit.
- Views to the lake down each cross street;
- Views of City Park and Macdonald Park;
- Boulevards with mature tree and shrub landscape planting shading sidewalk and street;
- Surviving examples of historic landscape features such as stone walls, iron fences, laneways, and street furniture (including the last gas streetlamp at Lower Union and King Streets);
- Areas of archaeological potential and significance; and
- Street trees forming canopies along streets and gateposts at intersections.

### **2.3.2 North to Bagot (Refer to page 58 of the District Study)**

The first area of expansion has a distinctive development pattern and a wide range of building types, materials and ages. Heritage attributes include:

- Closely packed buildings forming a strong street edge;
- Vernacular building design predominant;
- Square blocks and rectangular lots, with West Street forming a “gore” with Lower Union and Wellington Streets;



- Important civic buildings (e.g. former Wellington Street School, Kingston Frontenac Public Library);
- Prominent buildings on street corners;
- Views to the lake down each cross street;
- Views of City Park, especially the terminal vista from Wellington Street;
- Deflected vistas east along Wellington Street and north along Lower Union;
- Surviving examples of historic landscape elements such as stone walls, remnants of carriage houses in rear yards, iron fences and laneways;
- Areas of archaeological potential;
- Trees along streets and in the centres of blocks; and
- Street trees forming canopies along streets and gateposts at intersections.

### **2.3.3 Beyond Bagot (Refer to page 65 of the District Study)**

The second area of expansion has a different development pattern in response to sloping topography and an angled street grid. Heritage attributes include:

- A wide range of building types, materials and ages;
- Buildings associated with some of Kingston's best architects;
- Landmark public buildings (e.g. court house, churches, Sydenham Public School).
- Prominent buildings on street corners;
- Views of City Park, of public buildings on the skyline, along laneways;
- Areas of archaeological potential;
- Ingenious built responses to triangular or curving street alignments;
- Irregular elongated blocks and lots;
- Rear lanes on some blocks, with outbuildings; and
- Street trees forming canopies along streets and gateposts at intersections.

### **2.3.4 City Park and Environs (Refer to page 72 of the District Study)**

City Park, including the cricket field, and Macdonald Park form a major open space and urban forest dominated by the court house and bounded by house-form buildings and the lake. Heritage attributes include:

- Murney Tower National Historic Site/World Heritage Site as a shoreline landmark;

- Frontenac County Court House complex (Registry Office, Gaoler’s Residence) National Historic Site as a landmark along northern boundary;
- Memorial fountain and other memorials within the landscaped forecourt of the court house;
- Curvilinear alignment of Court Street;
- Views from the court house across the Cricket Field to City Park and the lake;
- City Park as an early example of park design in Canada, in the Picturesque style, with associations to Kingston’s military history;
- Views from the Park down to the lake and north to the court house;
- Surviving historic landscape elements such as period planting layouts, stone walls and iron fences;
- Open space bounded by defined edges of continuous groups of buildings;
- Areas of archaeological potential and significance, with First Nations activities associated with Macdonald Park; and
- Commemorative monuments and pavilions.

## **2.4 District Boundary**

The Old Sydenham Heritage Conservation District Study determined that the study area proposed by the City required some minor modifications in order to better reflect the heritage character of the Old Sydenham Heritage Conservation District. Accordingly, the proposed district boundary is slightly smaller than the study area boundary, as shown on the accompanying map (next page).

Notwithstanding that the district boundary is shown to include all of the properties owned by Kingston Yacht Club (“KYC”) and Empire Life, for the purposes of this Heritage Conservation District Plan, the polices and guidelines of the Plan apply only to those buildings on said properties known municipally as 7 Maitland Street (“Saint’s Rest”) and 243 and 259 King Street East.

District Boundary Map



# Old Sydenham Heritage Conservation District District Boundary



## 2.5 Designation Goals and Objectives

The following goals and objectives provide a framework for the ongoing conservation of Old Sydenham's material heritage resources, including built heritage resources, cultural heritage landscapes, and areas of archaeological potential, as well as non-material resources, such as historical associations and the mixed use character of the district. They are integral to the planning policies and design guidelines provided by this Heritage Conservation District Plan (HCD Plan/District Plan/ Plan) and set out what is to be accomplished by district designation.

### 2.5.1 District as a whole

Goal: To conserve, enhance and appreciate the heritage attributes of the Old Sydenham Heritage Conservation District (HCD) by:

- Providing a rationale and boundary for the district that includes the essential heritage attributes of the district, as defined in the HCD Study and Plan;
- Supporting and encouraging the conservation and continuing use of the district's heritage attributes, rather than demolition and replacement;
- Providing guidance for ongoing maintenance and change so that the heritage attributes of the district are retained and, whenever possible, enhanced; and
- Encouraging community awareness of and support for conservation of the district's heritage attributes and for appropriate conservation practices.

Goals and objectives for the major components of the district are:

### 2.5.2 Heritage Buildings

Goal: To conserve and enhance the existing built heritage resources and protect them from inappropriate changes or demolition by:

- Retaining and conserving heritage buildings identified in the District Study;
- Fostering continuing use of heritage buildings;
- Using the provisions of the *Ontario Heritage Act* to control the demolition or removal of heritage buildings or structures;
- Fostering collaboration on conservation matters between the City and other agencies responsible for heritage resources, such as the Ontario Heritage Trust, Infrastructure Ontario, and Parks Canada;
- Pursuing all measures available to the municipality to prevent demolition or removal of heritage buildings or structures;
- Conserving heritage buildings or structures by using the accepted principles and standards for heritage conservation, as outlined in this Plan;



## Landmarks

In a neighbourhood that invites exploration on foot, we orient ourselves using significant elements along the street and the skyline.



- Encouraging retention and restoration of original features of heritage buildings, based on archival and pictorial evidence and the assessment provided in the District Study and, where feasible, to remove incompatible past alterations made to heritage buildings;
- Encouraging property owners to maintain the exteriors of heritage buildings to prevent deterioration as well as damage from fire or the elements;
- Providing additional protection to significant heritage resources within the district: to do so, Council shall maintain the individual designations for properties under Part IV of the *Ontario Heritage Act*, and shall consider designating other significant heritage resources such as buildings (including interior elements), structures, and cultural landscapes, as identified by further study; and
- Applying the cultural heritage and archaeological resources policies and guidelines found in the City of Kingston Archaeological Master Plan and in the City of Kingston Official Plan policies regarding the Adjacent Properties policy derived from the Provincial Policy Statement.

### **2.5.3 Landscape/Streetscape**

Goal: To maintain and enhance the visual, contextual and functional character to the Old Sydenham streetscape and public realm by:

- Retaining and conserving existing street trees and instituting an ongoing program of street tree replacement, in consultation with City staff and Utilities Kingston;
- Preserving the existing pattern of blocks, streets, and lanes;
- Encouraging property owners to retain and conserve existing trees on private property;
- Conserving and enhancing existing parks and public open space;
- Ensuring conservation of landmarks, especially public buildings;
- Preserving views along existing streets of landscape and built features, especially views down to the lake; and
- Ensuring that municipal improvements to public infrastructure in the district's public realm, such as upgrades to public utilities, roadways and sidewalks, conserve the heritage character of the district as defined in this Plan.

### **2.5.4 Land Use**

Goal: To conserve the mixed-use, low density and primarily residential character of the Old Sydenham HCD by:

- Encouraging alterations and new infill that is compatible with the arrangement, scale, architectural styles and materials that constitute the district's heritage character;
- Encouraging replacement of properties containing non-heritage buildings or structures with compatible new development;

- Recognizing a balance between rental and owner-occupied residential property within the district as permitted by longstanding and current zoning;
- For Provincially or Federally owned public buildings, applying the provisions of the HCD Plan to these properties, in consultation with the relevant government agencies and property owners/managers;
- For church properties, supporting conservation and continuing institutional and public use of all of the church properties in the HCD;
- For properties designated under Part IV of the *Ontario Heritage Act*, ensuring that all such properties in the district are to be subject to the provisions of the HCD Plan as long as these provisions do not negatively impact the heritage attributes of the Part IV designated property, as described in that property's designating by-law;
- For adjacent properties to the HCD boundary, applying the Cultural Heritage and Archaeology Policy (Policy 2.6.3 of the current Provincial Policy Statement) and the City of Kingston Adjacent Properties policy whenever there is an application for site alteration or development on lands adjacent to the district.

### **2.5.5 Regulatory Process, Community and Economic Benefit**

Goal: To ensure that the regulatory process for managing the HCD is clear, objective and efficient and to realize community and economic benefit from the conservation and interpretation of the district by:

- Providing an application for alteration process that is easy for the public to use and can be undertaken by City staff and the Municipal Heritage Committee;
- Clearly identifying the types of alterations that do and do not require an application for alteration;
- Fostering understanding, appreciation and pride in the district amongst local residents and the community at large;
- Using interpretation, programming and public education to promote conservation values for future generations;
- Offering assistance and, where feasible, financial incentives, to property owners within the HCD in the conservation of their properties; and
- Interpreting and promoting the heritage character of the HCD in order to foster cultural tourism, provided that such initiatives do not negatively impact the heritage attributes of the district, as identified in this Plan.

## **2.6 Conservation and Development Policies**

The overall policy objectives for conservation and development in the proposed district are:

- To provide the necessary research and evaluation to justify the creation and maintenance of the district;



- To encourage the conservation of existing cultural heritage resources;
- To conserve and enhance streetscapes so as to maintain the character of the district;
- To provide policies, guidelines and associated regulatory procedures that will serve to guide change in ways that conserve and enhance the heritage attributes of the district; and
- To promote an increased awareness of heritage value in the district.

The City can use a variety of heritage policy tools to foster conservation and compatible development in the HCDs. These are, in descending order, the policies of the Provincial Policy Statement as they affect cultural heritage resources, the heritage policies of the City of Kingston Official Plan, Zoning by-law and related policies (Strategic Plan, Sustainability Plan, Culture Plan) as well as the Heritage Conservation District Plan. Other legislative tools are found in the Municipal Act as well as in the City's own demolition control by-law, and property standards by-laws. Site Plan Control provisions apply to some forms of development in Heritage Districts, while all construction must meet the provisions of the Ontario Building Code, which has been progressively updated over the years to take into account the special conditions found in older structures. Finally there are easements and covenants, held by the Ontario Heritage Trust, which can be applied to properties within the district. Of these tools, Site Plan Control is an especially good means of controlling exterior changes to properties, such as building and landscape elements. Appendix A describes these policies in greater detail and proposes amendments to current City of Kingston's planning policies and procedures to help implement the District Plan.

From this summary it is clear that the *Ontario Heritage Act* and the *Planning Act* are powerful policy tools on their own. When used in combination, however, they provide the City with all of the necessary means to manage conservation and new development within the Heritage Conservation Districts.

In order to meet the goals and objectives of this HCD Plan, specific policies are to be followed by the City in regulating changes within the district. The policies are in several categories, each addressing a specific issue affecting the evolution of the district:

- District as a whole;
- Landscape/streetscape;
- Heritage buildings; and
- Regulatory process, community and economic benefit

Guidelines providing ways to address these policies are found in Section B of this Plan.

### **2.6.1 District policies**

- a. The distinct heritage character of Old Sydenham, as defined in this District Plan, shall be maintained and enhanced.

- b. Where development is proposed adjacent to the boundaries of the HCD, the policies of Section 2.6.3 of the 2014 Provincial Policy Statement shall apply, and Council, through its Official Plan policies, may require a heritage impact statement to be prepared by the proponent of any such development in order to assure that the heritage attributes of the HCD will be conserved.
- c. Ongoing monitoring of the effectiveness of this District Plan shall be undertaken by the City, as will the process of updating the inventory and evaluation of properties within the district.
- d. The City shall undertake a program of public education regarding designation, new development and the conservation process, and shall provide training for staff and volunteers for implementing this Plan.
- e. Future amendments to the City Official Plan and Zoning By-law shall be in accordance with and shall implement the policies and guidelines of this Plan.

### **2.6.2 Heritage buildings**

- a. All alterations and conservation work requiring an application for alteration, as defined in the District Plan, shall be undertaken in accordance with the policies and guidelines of this Plan. Maintenance and minor alterations, as defined in the District Plan, shall have regard for the policies and guidelines of the District Plan.
- b. Enforcement of the City's property Standard By-law (By-law 2005-100, as amended) shall be consistently undertaken by City staff within the district and shall, in addition to the standards found in that By-law, have regard for the guidelines found in this Plan.
- c. Council shall maintain the individual designations for properties under Part IV of the *Ontario Heritage Act*, and shall consider designating other significant heritage properties, as identified through further study.
- d. Demolition of heritage (contributing) properties, as defined in the Plan, shall not be permitted except as a last resort, and rehabilitation of the existing structure will be encouraged. Where, by Council decision, buildings must be demolished for reasons of health and safety due to fire, natural disaster or other reasons, the replacement structure shall be designed in conformity with the policies and guidelines of this District Plan.
- e. Where a demolition has been approved by Council, the property shall be documented in written/photographic form, for deposition in the municipal archives, and consideration given to salvaging buildings materials, where possible, for reuse on site or on other properties within the district.

### **2.6.3 Landscapes/streetscapes**

- a. Proposed infill development shall be designed in conformity with the policies and guidelines of this Plan.
- b. Heritage attributes of landscapes and streetscapes, including parks, as defined in the District Plan, shall be conserved and enhanced following the policies and guidelines of this District Plan.

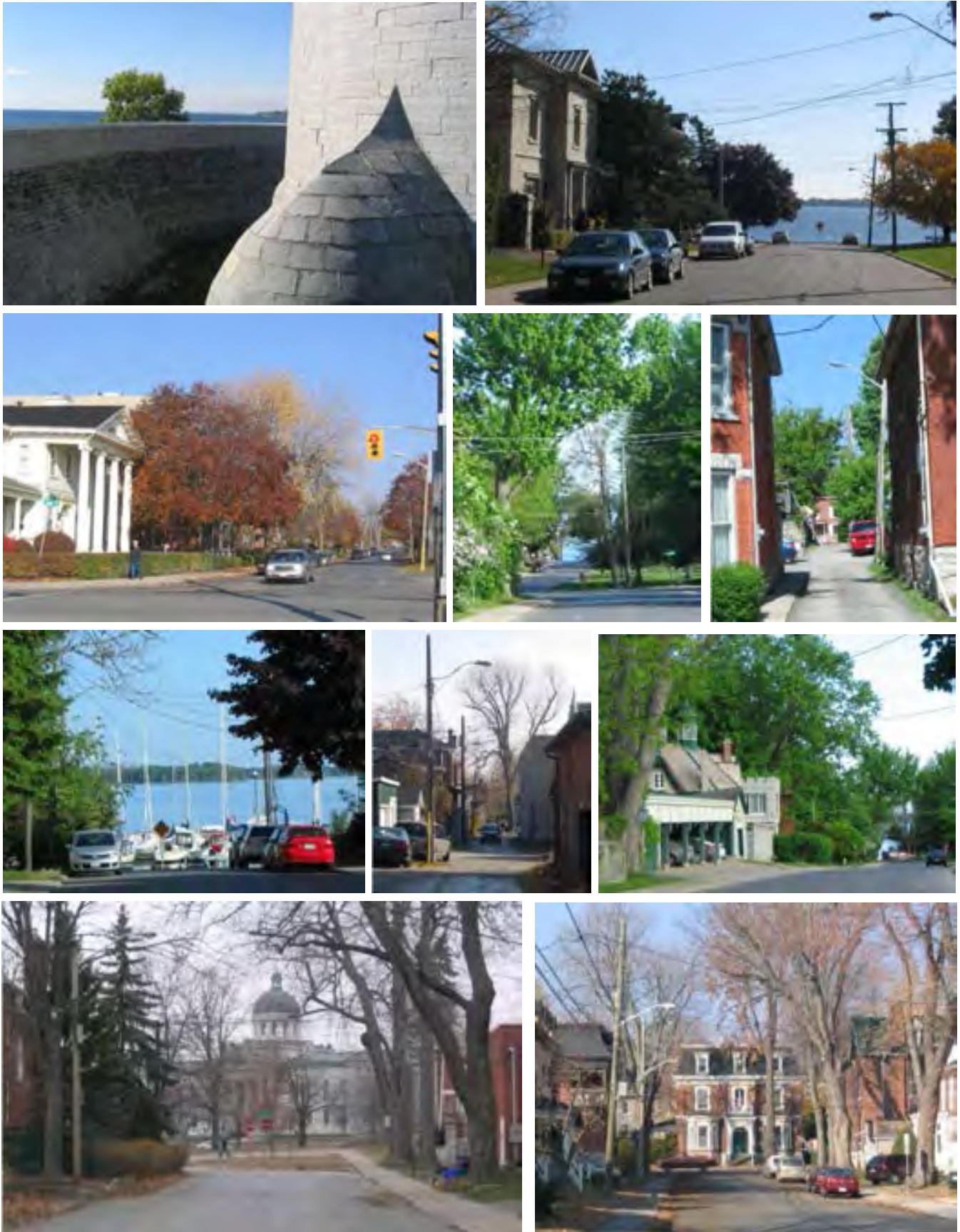
- c. Alterations to landscapes and streetscapes within the district shall be permitted, providing that such alterations conform to the policies and guidelines of this Plan.
- d. Provision of parking and traffic management within the HCD shall have regard for guidelines of this District Plan.
- e. All major public works undertaken within the HCD shall have regard for the policies and guidelines of this Plan.

#### **2.6.4 Regulatory process, community and economic benefit**

- a. Maintenance and minor alterations, as defined in this District Plan, shall be permitted on properties within the HCD.
- b. Major alterations and additions, as defined in the District Plan, shall require an application for alteration (heritage permit) and be subject to the approval process described in this District Plan.
- c. The City shall initiate public information programs, including topic-based workshops, walking tours and on-line resources, to assist property owners in conserving and enhancing their properties.
- d. The City shall continue to implement currently available financial incentives (e.g. tax relief and grants) and enhance them, where possible, to assist in conservation work on district properties.
- e. Cultural tourism development shall include interpretive programming for Old Sydenham, subject to an assessment of impact on existing cultural heritage resources and quality of life within this district, and using the thematic framework described in the District Study (Section 2.1).
- f. In instances where properties within the district are subject to a heritage conservation easement under Parts II or IV of the *Ontario Heritage Act*, or are identified by the Province and prescribed public bodies as provincial heritage property under the Standards and Guidelines for Conservation of Provincial Heritage Properties, or are properties protected under Federal legislation, or as part of United Nations Educational Scientific and Cultural Organization (UNESCO) World Heritage Sites, in the event of a conflict between those protections and the policies and guidelines of this Plan, the policies and guidelines of those protections shall prevail.

## Views

The district features views down streets to the water, along laneways and towards important buildings.







REAR ADDITION, KING AND EARL

## PART B: District Guidelines

# 3. Introduction

## 3.1 Guiding Principles

The design guidelines provided in this District Plan are intended to help those who are proposing any of the changes possible in the district, from routine maintenance through to new construction. They are the primary design tools by which change in the district is managed. In Old Sydenham, the guidelines support conservation of the heritage character of the district and its individual properties. The sub-district descriptions and the individual property descriptions contain heritage character statements and lists of heritage attributes. These character statements and list of attributes are the primary reference to guide any changes proposed to the district or individual property.

The guidelines are based on conservation “best practices” as used in Ontario, Canada and abroad. Key background documents that provide the basis for these guidelines include:

- Standards and Guidelines for the Conservation of Historic Places in Canada, Parks Canada, 2010 ([www.historicplaces.ca](http://www.historicplaces.ca))
- Standards & Guidelines for Conservation of Provincial Heritage Properties, Ontario Ministry of Tourism, Culture and Sport, 2010 ([www.mtc.gov.on.ca](http://www.mtc.gov.on.ca))
- Ontario Heritage Tool Kit, Ontario Ministry of Culture, 2006 ([www.mtc.gov.on.ca](http://www.mtc.gov.on.ca))
- Venice Charter, ICOMOS International, 1963/1996
- Well-Preserved: the Ontario Heritage Foundation’s Manual of Principles and Practice for Architectural Conservation, Mark Fram, Boston Mills Press, 2003 (Third Edition)
- InfoSheets, Ontario Ministry of Culture ([www.culture.gov.on.ca](http://www.culture.gov.on.ca))
- UNESCO and International Council on Monuments & Sites (ICOMOS) Conventions and Charters

A summary of best practices can be found in the Ontario Ministry of Tourism, Culture and Sport’s “Eight Guiding Principles in the Conservation of Historic Properties”, all of which emphasize respect for original/historic material:

1. Respect for Documentary Evidence (do not base alterations on conjecture)
2. Respect for Original Location (avoid moving buildings unless there is no other way to conserve them)
3. Respect for Historic Material (repair/conservate rather than replace building materials and finishes, except where absolutely necessary)
4. Respect for Original Fabric (repair with like materials)

5. Respect for the Building's History (do not restore to one period at the expense of another period or periods)
6. Reversibility (alterations should allow a return to the property's original conditions)
7. Legibility (new work should be distinguishable from old)
8. Maintenance (with continuous care, future repair/restoration will not be necessary)

## 3.2 Purpose

These guidelines are intended to help property owners and the municipality care for and enhance the heritage attributes of the district. They are meant to support the good work already being done and to provide information and encouragement to improve work planned for the future. Since many properties are already well cared for, and there is widespread acceptance of the benefits of heritage conservation, the City will provide a flexible approach to change management, within an overall design framework supplied by the District Plan.

After designation, it is the responsibility of the City of Kingston to manage conservation and change in the District. In Heritage Conservation Districts there are two ways in which the municipality is able to use its powers to conserve the district's heritage attributes. The first is to use the City's legislative power through **policies** of the Official Plan, Zoning By-law, Heritage Conservation District Plan, Demolition Control By-law, and Property Standards By-law, Site Plan Control, Ontario Building Code, easements and covenants.<sup>1</sup> Site Plan Control is an especially good means of controlling exterior changes to properties, such as building and landscape elements.

The second method by which the City can control change in the district is through the use of **guidelines**. As the term suggests, guidelines provide information so that those proposing changes do so with the benefit of the best advice. They are adopted by City Council as part of the by-law adopting this District Plan and are the primary source of information for that decision-making body. Guidelines provide the primary source of information for property owners, the general public as well as for City staff members of the Municipal Heritage Committee (MHC) and Council. Guidelines provide more detail than policies and can offer optional approaches to the same proposed work. While they identify incompatible changes to be avoided, they are not restrictive as long as the proposed work conserves or enhances the heritage character of the district.

The City has added a streamlined Application for Alteration process to review alterations and new construction with the district and ensure compliance with the District Plan.

## 3.3 Definitions

One way to ensure objectivity is to clarify what is meant by the terms used in the review process. There are several terms that recur in the District Plan guidelines. Some have

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<sup>1</sup> Note that several properties within the HCD have heritage easements under the Ontario Heritage Trust. The court house is one example.



meanings agreed upon at a national level, while others are municipally defined or defined in the context of this Plan.

The following key terms are defined in the Parks Canada Standards and Guidelines for the Conservation of Historic Places in Canada:

**Conservation:** all actions or processes that are aimed at safeguarding the character defining elements [“heritage attributes” in the Ontario legislation] of a cultural (heritage) resource so as to retain its heritage value and extend its physical life. This may involve “Preservation,” “Rehabilitation,” “Restoration,” or a combination of these actions or processes. Reconstruction or reconstitution of a disappeared cultural resource is not considered conservation and is therefore not addressed in this document.

**Preservation:** involves protecting, maintaining and stabilizing the existing form, material and integrity of a historic place, or of an individual component, while protecting its heritage value.

**Rehabilitation:** involves the sensitive adaptation of a historic place or individual component for a continuing or compatible contemporary use, while protecting its heritage value. This is achieved through repairs, alterations and or additions.

**Restoration:** involves revealing, recovering or representing the state of a historic place or of an individual component, as it appeared at a particular period in its history, as accurately as possible, while protecting its heritage value.

The following term is defined in the Provincial Policy Statement (2014) (p. 43):

**Heritage attribute:** means the principal features or elements that contribute to a protected heritage property’s cultural heritage value or interest, and may include the property’s built or manufactured elements, as well as natural landforms, vegetation, water features, and its visual setting (including significant views or vistas to or from a protected heritage property). Note: “protected heritage property” is defined in the City of Kingston Official Plan and applies to properties protected under Parts IV or V of the *Ontario Heritage Act* and to properties subject to a heritage conservation easement under Parts II or IV of the Act, as well as to Provincial, Federal or UNESCO World Heritage Site properties.

The following terms are defined in the City of Kingston Official Plan (2010, Section 1):

**Compatible:** Development that is capable of existing in harmony, 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-shadowing, and the potential for serious adverse health impacts on humans or animals.

**Cultural heritage resource:** 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 heritage 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.

For the purposes of this HCD Plan, the Plan policies and guidelines constitute the criteria described in the above definition.

The following terms are defined in the context of this HCD Plan:

**Alteration:** Whereas in the *Ontario Heritage Act* this term means any “change in any manner and includes to restore, renovate, repair or disturb”, in the context of this Plan, an alteration is any proposed change to the property that would require an Application for Alteration. Note: an ‘addition’ is a type of alteration involving physical enlargement of the built form of a property, as is replacement of original materials in a manner that is not ‘like-for-like’.

**Enhance:** In the context of this Plan, we propose that “enhance” be taken to mean “to heighten the character of a building and its surroundings, in ways relating to the heritage attributes of the property as well as of the sub-area in which it is located”.

**Heritage properties:** are properties that support the character of the district, as defined in the District Plan, through compatible design, historical associations and physical or visual links to their surroundings. They also help define area character if they are well-preserved examples of earlier periods or are a landmark.

**Non-heritage properties:** are properties that disrupt the visual coherence of the district through incompatible treatment of elements such a building scale, massing, height, material, proportion and colour, elements that are otherwise found in the heritage properties in the district, as defined in the District Plan.

### 3.4 Applying the Guidelines

Much of the future activity within the district will involve minor changes to existing buildings and settings. For the most part, the guidelines help in efforts to conserve properties. Where more change is required, the guidelines address alterations or additions, in most cases as they affect heritage properties. However, in the relatively few instances where there are non-heritage properties, the guidelines should still be used to ensure that the changes to these properties are compatible with the district’s heritage attributes, as defined in this Plan.

The maintenance of heritage properties using a ‘like-for-like’ approach is an essential conservation care activity outlined in Section 4.0 of the guidelines. Heritage properties proposed to be altered through the use of contemporary building materials, construction methods and additions are activities guided by the Application for Alteration guidelines in Section 8.0 of Part C. Both approaches (i.e. like-for-like Conservation and Application for Alteration approaches) are voluntary pathways. Guidelines for new construction are outlined in Section 6.0.

**Building Groupings**

The tight urban scale found along district streets includes many examples of buildings that are densely packed, and frequently joined to form a pair or a terrace.



# 4. Building Conservation

## 4.1 Introduction

The majority of work within the district involves conservation of the existing physical fabric. Maintenance, as well as rehabilitation and restoration, are ongoing activities essential to retaining and enhancing the district's heritage attributes. As with any property, the onus is on the owner to monitor building condition and to plan for both regular and periodic work that will be needed. There are several degrees of work entailed in conserving older buildings, and one or several of these may be involved, depending upon the situation. They are:

- Protection and stabilization (where portions of a building are badly deteriorated, to stop further decay)
  - Assessing condition
  - Closing openings in the roof and walls, and fixing broken windows
  - Preventing water infiltration
  - Securing against structural collapse
- Routine maintenance (for entire building envelope, and also special architectural features)
  - Retaining requisite contractors to do work requiring specialist skills
  - Annual monitoring of building condition
- Cleaning (periodic, using methods befitting the cladding materials)
  - Undertaken only to retard deterioration or to reveal obscured surfaces
- Reconstruction (of deteriorated or missing elements)
  - Only to be undertaken based on documentary evidence

## 4.2 Steps in the Conservation Process

- Identify property;
- Check with the City regarding the property's heritage status (refer to the evaluation in the Inventory that accompanies this Plan);
- Research any existing images or drawings of the property for heritage reference;
- With assistance from City Heritage staff, identify the property's heritage attributes;

- With assistance from City Heritage staff, identify the property's heritage attributes with respect to streetscape (especially siting, setbacks, height and position relative to adjacent properties);
- With assistance from City Heritage staff, identify any non-contributing elements that may be revised in order to enhance heritage character (e.g. restoration of original cladding covered over by non-contributing cladding);
- Review the Guidelines in this Plan;
- Determine extent of proposed work;
- Review proposed scope of work with the City Planning Division to determine if an Application for Alteration/Building Permit is needed;
- Review proposed scope of work with a qualified heritage contractor to determine budget and schedule: make revisions to proposed scope of work as required; and
- If required, submit Application for Alteration/Building Permit to the City.



**Conservation and Maintenance**

Property owners in the district recognize the importance of stewardship and of highlighting a property's best features.



For a schedule of ongoing conservation maintenance activities, refer to the following summary Checklist

<b>Recommended Maintenance Checklist for Exterior Building Conditions</b>				
<b>Items</b>	<b>Spring</b>	<b>Summer</b>	<b>Fall</b>	<b>Winter</b>
<b>ROOFS</b>	•		•	
Roofing material*	•		•	
Chimneys * check condition of masonry and pests/nests			•	
Check attic for condensation			•	
Check for ice damming	•		•	
Gables Dormers and Turrets	•		•	
Soffits, and Fascias,	•		•	
Check eavestroughs, downspouts and flashings	•		•	
Check attic	•		•	
<b>EXTERIOR WALLS</b>	•			
Brick and Stone*	•			
Wood Siding*	•			
Stucco*	•			
Check interior face of exterior walls for moisture or blistering/ceilings for leaks	•			•
<b>DECORATIVE TRIM AND DETAILS</b>	•			
<b>PORCHES and VERANDAHS</b>	•			
<b>WINDOWS AND DOORS</b>	•			
Check & lubricate weather stripping	•			
Check windows, storm windows &	•			



<b>Recommended Maintenance Checklist for Exterior Building Conditions</b>				
screens are operating properly				
Check caulking for air seal and water leaks	•		•	
<b>FOUNDATIONS</b>	•			
<b>SITE IMPROVEMENTS / LANDSCAPING</b>	•			
Plan landscaping to avoid soil settlement and ponding	•			
Prune trees close to building and check foundation (consult arborist), trim / remove ivy				•
Check that no wood is stacked against the building.	•			
Fencing, sheds and garages	•			

(\*check for damage and deterioration)

### 4.3 Conservation of Heritage Buildings

The following conservation guidelines are organized in two tiers that correspond to the property evaluation found in the inventory attached to this Plan (referenced in Appendix B). As stated in the inventory, top tier “heritage properties” make the contributions to the Heritage Character of the district as a whole. The second tier comprises “non-heritage properties” that negatively impact the heritage qualities of the district.

#### 4.3.1 Roofs

##### Roofing Material

- Where original roofing remains in place, use replacement roofing material to match original material (i.e. like-for-like). Where the existing roofing material differs from the original material, it is preferable that new replacement materials match the original material.
- Recondition existing standing seam metal and slate roofs where viable. Repair and replace damaged slates with matching slates and metal roofing systems by a roofer skilled in slate/ metal roofing installation.

- Existing roof should not be covered over with dissimilar roofing materials, otherwise this is not a conservation approach and falls under the Application for Alterations process of Section 8.0.
- Where existing roofing materials have been replaced by asphalt shingles, and replacement with materials that match the existing is not feasible, use premium quality shingles for maximum life expectancy (30 years +) of grey, brown or black colours. Plain solid coloured dark shingles are preferred to textured/ variegated, 'architectural' shingles.
- Provide continuous vapour barrier system, insulation, and attic ventilation to prevent the formation of ice dams. On roofs prone to ice dam formation, install additional waterproofing beneath the roof when re-roofing. The presence of a continuous vapour barrier system, insulation and attic ventilation prevents warm interior air from entering the attic space and vents moist air as a significant defence against ice dam formation. Install new attic vents in areas not visible from the street.

### **Chimneys**

- Retain existing chimneys even if they are no longer functional, in order to conserve the symmetry and architectural detailing of the building roofline.
- Repair/replace deteriorated material with like materials and replicate original detailing and bond pattern, based on documentary evidence.
- The installation of internal chimney liners is recommended to prevent deterioration of masonry by acids and water vapour from the exhaust gases.
- Ensure that where the chimney meets the roof, matching step flashing and crickets are installed which are properly seated in the masonry to prevent moisture penetration.

### **Gables, Dormers and Turrets**

- The size and shape of dormers is governed by the Zoning By-law.
- Keep decorative turrets and gables free of siding, coverings or flashings that obscure existing details.
- Shed dormers are not recommended.
- As with other exterior components, replace original deteriorated material matching like-for-like components, or replicate based on documentary evidence if restoration of existing surfaces is not viable.
- Ensure all roofing penetrations are properly flashed to prevent moisture penetration and all new wood materials are suitably selected and/or treated for exposure to exterior moisture conditions.
- Roof alterations, including new dormers, skylights, etc, are addressed under Section 5.0 'Alterations'.

**Dormers**

One of the delights of the district is the variety of dormers that punctuate the skyline.



## **Soffits, Fascias, Eavestroughs and Downspouts**

- Retain decorative fascia detailing (e.g. verge boards); replace deteriorated wood with new wood cut to replicate the original if existing materials cannot be restored.
- Scrape and repaint original painted surfaces; identify causes of paint film peeling and blistering prior to repainting (frequently caused by moisture pathways behind the painted layer). Avoid the use of chemical strippers and heat guns as these can permanently damage woodwork.
- Avoid covering original materials with new materials and use 'like-for like' replacements if existing materials cannot be restored.
- Replace eavestroughs and downspouts to original material and detail. Provide spill pads and downspout extensions for the control and diversion of water run-off away from building foundations and pedestrian areas. New eavestroughs and downspouts shall be discreet in appearance and match existing adjoining construction.

### **4.3.2 Exterior Walls**

#### **Brick and Stone**

- As required in the existing City of Kingston Policy on Masonry Restoration in Heritage Buildings (as may be amended) re-pointing of brick and stone masonry should match the colour and be of the appropriate type and mixture that will not damage the masonry material.
- Replacement stone should match the original as closely as possible in terms of source and profile. Cracked or deteriorated stone surfaces should be stabilized using approved conservation methods undertaken by a specialist in such work.
- Existing brick or stone masonry shall not be sandblasted to remove paint finish. Use of chemical paint stripper is acceptable provided it does not damage the brick or stone surface.
- Use of biodegradable paint stripper or blanket type poultice is preferred. Do a test patch of the proposed removal method on an unobtrusive portion of the wall.
- Non-heritage cladding that has been applied over original cladding should be removed (e.g. aluminum siding applied over brick or clapboard).
- Painting of previously unpainted brick or stone surfaces is not recommended and can result in trapping moisture in the wall assembly, the acceleration of masonry deterioration and maintenance cycles.
- Keep rainwater from continuous contact with masonry walls by retaining roof overhangs and ensuring proper drainage from roof surfaces, and positive drainage at grade of storm water.
- Stone and brick surfaces with diagonal cracking and noticeable leaning may require review by a professional engineer to determine stabilization and conservation measures, as well as conservation texture and finish.

- Protect brick and stone masonry from spalling at grade. Salt should not be used as de-icing agent adjacent to masonry structures. Brick spalling above the grade line is frequently the result of salt migration through the foundation wall. Refer also to guidelines in Section 4.3.6 Foundations and 4.3.8 regarding thermal insulation.
- Exercise caution with ivy or other vegetative coverings which can break down mortar, cover heritage attributes, and damage masonry and building foundations.

### **Wood Siding**

- Preserve as much as possible of original material when making repairs, and replace deteriorated material with similar material cut to the same profiles as the original.
- Ensure siding materials are suitably selected, prefinished and /or treated for exterior exposure conditions.
- Do not replace wood siding with vinyl or aluminum siding, as they are easily damaged and cover original material. If wood siding cannot be used due to the Ontario Building Code requirements for non-combustibility, fibre-cement board is an acceptable substitute subject to the approval of staff and the Municipal Heritage Committee.
- Keep wood siding from contact with the ground to avoid rotting and insect damage.

### **Stucco**

- Repair stucco with traditional (e.g. lime-based) or appropriate modern materials (e.g. galvanized metal lath) that match original appearance in colour, texture and finish, retaining specialists in exterior stucco work.
- Avoid the use of External Insulation Finish Systems (EIFS) that change the thickness and profile of existing assemblies, impacting adjoining details and trim work and obscuring architectural details. EIFS systems are typically non-breathable acrylic coatings that can trap moisture inside heritage building assemblies potentially causing moisture retention problems for underlying heritage building assemblies.



**Materials**

The district contains a rich palette of building materials, primarily in stone, brick and wood, as well as in combinations of these.



### **4.3.3 Decorative Trim and Details**

- Originals of these elements should be retained; removal or substantial alteration should be avoided, and original details conserved or replaced with new wooden versions selected or appropriately treated for exterior exposure.
- Regularly inspect, repaint and use wood preservatives on decorative wood components.
- Avoid using stock mouldings in standard profiles: instead, preserve and restore as much of the original trim as possible and use original elements as templates for replacement sections.
- Choose paint colours that are compatible with the heritage character of the district and that are complementary to the age, style and detailing of the building. Select professional painters with specialist knowledge of historic paint types and application techniques needed to ensure proper adhesion between new and old paint systems.

### **4.3.4 Porches and Verandahs**

- Original versions of these elements should be retained; removal or substantial alteration should be avoided, and original details conserved or replaced with new wooden versions selected or appropriately treated for exterior exposure.
- If a porch or verandah is being restored or replicated, do so only after finding documentary evidence of the original appearance. Since such exterior elements deteriorate more quickly due to exposure to the elements, decisions may need to be made as to which of several earlier versions of the structure should be the model for the proposed work, based on the heritage attributes of the building.
- Ensure that the new or repaired porch is properly underpinned with footings extending below frost and with forms of skirting that promote good ventilation and prevent animal intrusion.
- Avoid fibreglass or plastic replicas of wooden details unless there are no other reasonable options, provided they match the shape and size of the details they are replacing.

### **4.3.5 Windows and Doors**

- As required by the City of Kingston Policy on Window Renovations in Heritage Buildings (as amended from time to time) original windows that suit the heritage character of the building should be maintained and repaired rather than replaced. In most cases, wooden sash windows and storm windows, if properly fitted and maintained, can provide superior thermal insulation.
- Original stained glass windows should be conserved and repaired; replacements for broken or missing glass should replicate the original, and complete replacements should have glass details in colours and shapes similar to the original. Preserve original doors, details, glass, door surrounds and entrance openings whenever possible.



## Doors

Different materials, colours and designs of entrances along district streets offer passersby a variety of interest.



- Non-heritage exterior storm windows should be removed and replaced with interior removable storm windows. Use of interior storm windows will greatly reduce the condensation that typically forms on single pane windows during winter. As an alternative, also consider installing traditional wooden exterior storm windows.
- Shutters should only be installed on buildings that would have originally had them and should be of the size and design appropriate to the original buildings. Modern shutters in contemporary materials (e.g. aluminum) and in sizes smaller than the window opening, should be avoided.
- Original exterior shutters and shutter hardware should be conserved and maintained. Missing louvers and hardware should be replaced.
- Refer to the “Alterations” section of these guidelines if existing windows are sufficiently damaged/deteriorated that they need to be replaced.
- Choose storm doors and screen doors that are appropriate for the age and style of the building, and use wooden framed doors if possible.

#### **4.3.6 Foundations**

- Inspect foundations for cracking, settlement or loose materials, and repair accordingly.
- Foundations with noticeable settlement, cracking or leaning should be inspected by a structural engineer and may have to be rebuilt. Temporary support for the wall above the foundation work may be required.
- Inspect the interior face of foundation walls in accessible basement areas for moisture. Review the condition of mortar and foundation materials. Assess need for reapplying exterior foundation wall waterproofing and repairing weeping tile systems.
- Undertake below grade foundation wall maintenance during waterproofing upgrades. Repair foundation walls by repointing mortar and replacing deteriorated brick/stone materials using traditional breathable lime based mortar systems to avoid accelerated brickwork deterioration. Undertake work by skilled trades with heritage masonry restoration expertise.
- Consider applying insulation on the exterior face of the foundation wall in below grade areas not visible on the exterior. Exterior grade spray-foam insulation applied to cleaned and restored masonry provides both effective thermal and dampproofing protection.
- Ensure positive drainage away from all foundation walls and regularly check for settlement of backfill materials after work is completed.

#### **4.3.7 Utilities and Telecommunications Installations**

- Where there is a need to relocate the meter by the owner, or for new structures, the following approaches are preferred by Utilities Kingston:
  - For single detached or semi-detached dwellings, locate utility meters (gas and electric) away from the street façade on the side walls of the building, but within 3

meters of the street front wall. Regulatory and safety requirements governing placement of meters or regulators will take precedence regarding the preferred placement of meters, which may result in their placement on the street façade.

- For street row housing or other structures involving multiple common walls defining ownership, the placement of utility meters (gas and electric) will in most cases be required on the street façade. Meter locations will be chosen based on safety and regulatory requirements and will enable appropriate landscape screening of the meters from view from the street.
- Property owners considering alterations/renovations to the location of water, gas or electric services/meters are advised to consult with Utilities Kingston PRIOR to finalizing any plans or undertaking any work.
- Air conditioning units (both window and pad-mounted) should be located away from the street façade wherever possible.
- Locate, or relocate, satellite dishes away from the street façade wherever possible.

### **4.3.8 Environmental Sustainability**

#### **General**

- Make efforts to employ environmentally sustainable measures, provided that the measures do not compromise the heritage attributes of the property or the surrounding area.
- Diligent building maintenance contributes to environmental sustainability by reducing the unnecessary consumption of resources, as well as stress on landfill sites.

#### **Building Envelope**

- Insulate and air/vapour-seal exterior walls from the interior not the exterior. Note: foundation walls are best insulated from the exterior.

#### **Mechanical systems**

- Existing buildings that are significantly upgraded to provide an air-tight building envelope will require mechanical ventilation rather than passive ventilation. Dedicated air intake and exhaust louvers may be required to ventilate living spaces and provide combustion air for fuel burning appliances. Heat and energy recovery ventilators (HRV / ERV) are designed to address this need and recover energy from exhaust air.
- New air intake & exhaust vents should not be visible from the street. Coordinate location of mechanical equipment internally to eliminate penetrations visible from street. High efficiency gas fired appliances (boilers, furnaces) require power vented exhausts, typically horizontally through a sidewall rather than vertically like a conventional chimney.
- Gas fireplace exhausts should not be visible from the street.

- Avoid window mounted air conditioning units. Central air conditioning systems are preferable to window mounted air conditioning units. Window mounted units are typically less energy efficient, require windows to be damaged during installation, and degrade cladding as a result of condensate dribbling down. Roof-mounted air conditioning units are to be located so that they are not visible from the street.

### **Solar photovoltaic/thermal panels/skylights**

- Do not take trees down to allow more sunlight to be directed to proposed panels.
- Panels should not be visible from the street.
- Flush-mounted skylights are acceptable.

### **Heat pumps**

- Heat pump units should not be visible from the street.
- Conduit and supply tubing should not be visible from the street.

### **Wood**

- Retrofit existing chimneys appropriately to accommodate high efficiency EPA wood burning appliances.
- Avoid new chimneys at the exterior of the building.

### **Wind**

- Wind turbines (including vertical axis turbines) are not appropriate for buildings in the district.

## **4.4 Conservation of Non-Heritage Buildings**

These properties are subject to the foregoing guidelines, with the following exceptions:

- Make efforts to carry out maintenance using materials and methods that do not detract from the heritage characteristics of the district.



**Hidden Places**

The intricate system of walls and passageways add an air of mystery.



# 5. Building Alterations and Additions

## 5.1 Introduction

The guidelines that follow contain recommendations for new work/ additions and contemporary repairs/alterations that are not maintenance activities. Repair and maintenance activities that constitute ongoing conservation care are addressed in Section 4.0.

Guidelines for alterations and additions are organized in two tiers that match the evaluation of each property found in the inventory attached as an Appendix to this Plan. Top tier “heritage properties” (including “significant” and “contributing” properties) make the direct contribution to the Heritage Character of the district as a whole. The second tier comprises “non-heritage” (or “non-contributing”) properties. The guidelines that apply to non-heritage properties are intended to ensure that they do not compromise the heritage character of the district as a whole by adding further inappropriate changes to the building, or to offer suggestions for their integration or ultimate replacement with a more compatible structure.

- The first step is to prepare a strategy for undertaking the proposed work. The five key questions to be asked at each stage of consideration of a proposed alteration to property in the district are as follows:
  - In what ways will the proposed alteration affect the overall character of the streetscape of the Old Sydenham Heritage Conservation District?
  - Is it possible to find ways to shape an alteration to maximize the extent to which it enhances the heritage character of the district?
  - What will be the impact of the proposed alteration on the property’s heritage attributes?
  - Is it possible to find ways to shape the proposed alterations to minimize that impact?
  - If the proposed intervention was commonly applied to other properties would the cumulative impact be in keeping with the overall character of the Old Sydenham Heritage Conservation District?

## 5.2 General Practices for Alterations and Additions [see definition of “alteration” in 3.3 above]

Alterations and Additions to heritage properties require an Application for Alteration process to be conducted through the City, as described in Part C of the Plan, which makes available City Heritage staff resources to ensure the best practices for managing property changes are identified.

Alterations include major changes such as additions, the construction of multiple dwelling units within an existing building, or the replacement of heritage elements that cannot be maintained and repaired using the conservation measures described in Section 4.



### **5.2.1 Alterations**

- Find out as much as possible about the original appearance and style of the building in order to determine the best options for alteration that respects the property's heritage attributes.
- In the first instance examine the building to ascertain and differentiate original construction from alterations and determine initial details, materials and layouts. Seek out documentary evidence in the form of drawings, photographic information to validate visual assessment findings wherever possible.
- Look for properties within the district that are similar in age and style for further evidence of details and materials suitable for use in an alteration.
- If original materials and construction are available, avoid replacing them with contemporary materials and construction methods.
- Original elements such as windows, doors, porches and verandahs and their details should be retained and restored whenever possible.
- Model replacement features and building forms on the originals in style, size, proportions and materials, whenever possible.
- When in doubt, make changes reversible and as inconspicuous as possible.
- Record the alteration and retain samples of original materials that have been replaced.

### **5.2.2 Additions**

- Additions should be complementary to the main building and clearly secondary in terms of size; they should also be clearly distinguishable in form and detail.
- Additions should be located away from the main street façade, at the rear of the building, and not add to the width of the front of the building.
- In exceptional circumstances where additions located at the side of the building are required/ possible, additions should be clearly set back from the face of the heritage structure to maintain its prominence, entrance, and proportions.
- The height of the addition should be no more than that of the main building and, preferably, lower, in order to clearly distinguish it from the original building.
- Construction of additions should not entail removal, covering or other adverse impacts on the heritage attributes or other important architectural features of the original building.
- Additions should avoid causing irreversible changes to the original building.

## 5.3 Alterations to Heritage Buildings

### 5.3.1 Roofs

- Record the alteration using photography and /or drawings. Retain samples of earlier materials that have been replaced.
- Roof profile visible from the street should remain unaltered.
- Replacement roofing material should be compatible with the age and architectural style of the specific property.

### 5.3.2 Windows

- In accordance with the City of Kingston Policy on Window Renovations in Heritage Buildings, the "Windows Policy", as amended from time to time, make efforts to recondition, repair and/or rebuild existing heritage-contributing windows before replacing them (refer to Section 4.3.5).
- Where existing heritage- contributing windows are too damaged to be repaired to the extent described in the Windows Policy, new replacement windows should replicate as closely as possible the sash, material, glazing pattern, rail and stile dimensions, moulding patterns, muntin pattern and joinery of the original.
- Simulated divided lights are permitted provided that they have profiled muntins applied at the exterior of the glass.
- Do not alter the location, size, and shape of existing windows facing, or visible from, the street.
- Do not create new openings for windows on façades visible from the street.
- "In-fill" replacement windows are not acceptable ("In fill"= new sash & frame set into existing frame).
- Windows may be made of: wood with painted extruded aluminum exterior; fibreglass with painted extruded aluminum exterior; vinyl with painted extruded aluminum exterior; thermally broken extruded aluminum frames with painted exterior finish. If these windows types must be used, match the style, size and proportion of the original wooden windows, and provide a frame that can be painted to match the rest of the façade fenestration.
- Avoid use of white vinyl windows.
- Avoid use of dark, mirrored or reflective glass.
- Avoid replacing hung sash windows with casement or other windows.
- Where a replacement window is used it should be Energy Star rated.

### **5.3.3 Cladding**

- Make efforts to replace exterior cladding that has degraded beyond repair with new or reclaimed material to match.
- Existing exterior cladding that is appropriate to the age and architectural style of the property should not be covered over with different cladding.
- Cladding that is part of a new addition should be distinct from the cladding of the existing building. Horizontal siding is preferable to a board and batten design.
- Acceptable cladding for a new addition includes: brick masonry; stone masonry; wood clapboard; fibre cement board with paint finish; stucco; wood shingles.
- Vinyl/aluminum siding or asphalt shingles are not acceptable claddings for a new addition.

### **5.3.4 New multiple dwelling units in existing building**

- In accordance with OBC and Fire Code requirements, required second means of egress should be integrated in the interior of the building rather than via exterior fire escapes.
- Hydro and gas meters, conduit, cable connections, telephone connections etc. will be located at the side of the building where access permits, or at the rear of the building wherever feasible. No service connections or consumption meters should be located facing the street wherever feasible, or shall be screened within an openable cabinet if on the street face.
- New dwelling units within an existing building should not be considered if the Ontario Building Code requires that an existing building's combustible cladding be replaced with non-combustible cladding.
- New secondary suites may be permitted subject to the necessary approvals and Municipal Heritage Committee review.
- Parking spaces required by new dwelling units should be accommodated on individual properties.

## **5.4 Additions to Heritage Properties**

### **5.4.1 General**

- Additions are not required to replicate an existing heritage style.
- Make efforts to use cladding materials for additions to existing buildings that are complementary to, but distinct from, existing buildings, using offsets or reveals where new additions meet existing construction.
- Additions will be permitted at the rear of the existing mid-block building (zoning permitting).
- Garage or carport additions are discouraged.

- Rear addition roof ridgeline height should not exceed the existing building roof ridgeline. Where the existing roof is a mansard roof, the top of parapet will be considered as the ridgeline.
- Dormers are permitted in accordance with the Zoning By-law.

#### **5.4.2 Corner Lot Properties**

- Rear additions should be differentiated from the original building by means of different cladding, a reveal, or a setback on the side yard.
- Large areas of new glazing visible to the street should only be considered at rear additions located on corner lots.

#### **5.4.3 Porches, verandahs & balconies**

- Existing open-air porches, verandahs and balconies facing the street should remain unenclosed.
- Existing glazed-in porches, verandahs or balconies facing the street should remain glazed or revert to being unenclosed. Glazing should not be replaced with opaque cladding.
- New porches, verandahs and balconies are permitted to be added to an existing building where none currently exist provided that historical evidence and sufficient documentation concerning form and materials exists. (see Section 4.3.4 for guidelines on replacement porches and verandahs).

### **5.5 Alterations and Additions to Non-Heritage Buildings**

Non Heritage Buildings are subject to the same Guidelines as Heritage Buildings with the following exceptions:

#### **5.5.1 Roofs**

- The following roofing material is acceptable for sloped roofs: standing seam metal roofing; slate tile roofing; wood shingles; asphalt shingles as set out in Section 4. Alternative roofing materials will be subject to Municipal Heritage Committee / Council approval.
- Roll-applied roofing material is not acceptable for a sloped roof.

#### **5.5.2 Windows**

- Location, size, and shape of existing windows facing, or visible from the street, can be revised provided that they are compatible with the heritage character of the streetscape. Refer to guidelines found in the City of Kingston Policy on Window Renovations in Heritage Buildings, as may be amended.

## Walls

Whether still functional or standing as a preserved remnant, historic stone walls are an important feature in the district.



- Large areas of new glazing visible to the street are only permitted where there is no residential occupancy at grade, and at rear additions located on corner lots.

### **5.5.3 Cladding**

- Original cladding can be covered over with different cladding.

### **5.5.4 Multiple dwelling units**

- Proposed new multiple dwellings within an existing building are subject to the appropriate approvals including the Official Plan, Zoning By-law and Ontario Building Code.

### **5.5.5 Additions**

- Front yard additions are permitted provided that the new front wall does not project past the adjacent existing buildings' front walls. The proportions and massing of front yard additions should have regard for the proportions and massing of neighbouring properties.
- Rear additions will be permitted (zoning permitting). Height of the rear addition roof ridgeline should not exceed the existing building roof ridgeline.
- Increase in the height of the roof ridgeline or flat roof may be permitted subject to the Zoning By-law.
  - Dormers visible from the street are permitted, subject to the applicable provisions of the Zoning By-law which do not permit shed dormers.
  - Porches and balconies are permitted.



# 6. New Construction

## 6.1 General Practices for Infill (New) Buildings

- Attempt to match the setback, footprint, size and proportions common on the streetscape in which the property is located, especially in the context of the immediate neighbouring properties.
- Take advantage of unique conditions, such as corner properties, by providing architectural details and features on both street façades.

## 6.2 Design of Infill (New) Buildings

### 6.2.1 General

- New buildings are not required to replicate an existing heritage style.
- New buildings should enhance the heritage character of the district.

### 6.2.2 Massing

- New construction should generally maintain front wall alignment with adjacent existing buildings' front walls, subject to the applicable provisions of the Zoning By-law. The proportions of neighbouring properties should influence the massing of new infill buildings.

### 6.2.3 Corner Lot Properties

- One of the two street-facing façades of the building should be differentiated from the other by means of a reveal or a setback.
- The wall that is differentiated is not required to align with the front wall of the adjacent existing building.

### 6.2.4 Heights & Depth

- New construction should not exceed the ridge line of adjoining buildings.

### 6.2.5 Roofs

- Dormers are permitted, in accordance with the Zoning By-law.
- Peaked roofs are permitted in accordance with the Zoning By-law.
- Flat roofs may be considered.

### **6.2.6 Windows**

- Where simulated divided lights are proposed, make efforts to use profiled muntins at the exterior surface of the glass. Refer to the City of Kingston Policy on Window Renovations in Heritage Buildings, as may be amended, for guidance.
- Hung sash, casement, awning, or hopper windows are acceptable.
- Do not use horizontal slider windows except in basement locations.
- Large areas of new glazing visible to the street should only be permitted where there is no residential occupancy at grade.
- Windows may be made of: wood; wood with painted extruded aluminum exterior; fiberglass with painted extruded aluminum exterior; vinyl with painted extruded aluminum exterior; thermally broken extruded aluminum frames with painted exterior finish.
- Avoid using white vinyl windows.
- Do not use mirrored glass.
- Use Energy Star-rated windows.

### **6.2.7 Cladding**

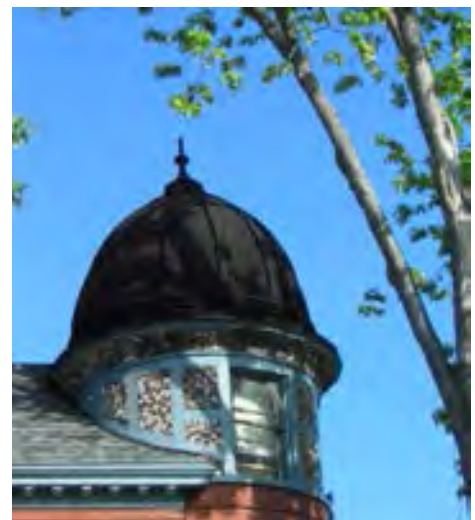
- Acceptable cladding materials include: brick masonry; stone masonry; wood clapboard; fibre cement board with paint finish; stucco; wood shingles.

### **6.2.8 Porches, Verandahs & Balconies**

- Avoid using white vinyl windows.
- New balconies are acceptable.
- Open-air or glazed-in porches and verandahs are acceptable.
- Porches or verandahs closed-in with opaque cladding are not acceptable.

## Skylines

Both private and public buildings are capped with carefully designed features that add visual delight and importance.



# 7. Public and Private Landscapes

## 7.1 Introduction

An important part of the character of the Old Sydenham Heritage Conservation District is the form, width and landscaping of the space between buildings and across streets. The common elements in the streetscape provide visual unity throughout the district, tying together the wide variety of building styles and sizes. Since the district was laid out in the early 19<sup>th</sup> century and fully developed not long afterward, much of the property between building faces is in the public street right-of-way. In other words, what appears to be a front yard on a private property is, in fact, a portion of the public street. Even though these yards are maintained by private property owners, the City has the right to undertake works in these spaces, including widening of the pavement and sidewalks. Such works, however, should only be considered in the context of their potential effect on the heritage attributes of the district and include affected property owners in the discussions.

This narrow street cross-section provides an intimate, pedestrian-friendly scale but makes difficult the accommodation of the functional elements of contemporary life, such as travel lanes, street parking, sidewalks, street trees and front yard landscaping, not to mention municipal street signage and street lighting as well as underground and above-ground services. Public works conducted in the municipal right-of-way require sensitivity to the heritage context.

Street trees and front yard landscaping are key elements of the district streetscape. Because they are living things, however, they are constantly changing. Guidelines for landscape elements must take this steady evolution into account while conserving the heritage attributes of the setting. The small size of front yards in the district restricts landscape treatments there to shrub, perennial and annual plantings, with some lawn. There are a few examples of historic landscape treatments involving formal plantings as well as stone walls and iron fencing. As for trees, many of which are in front yards, the majority are at or near the end of their lives and, since many of them are Silver Maples, they have weaker wood and are inherently vulnerable to decay and destruction by ice or wind. Following the loss throughout the district of the American Elm to Dutch Elm Disease in the 1970s, there have been no species of street tree that can replicate the high-arching canopy or toughness of the elm. Replacement species such as maple, ash, ginkgo and locust each have their virtues but cannot provide the same quality of shade and shape as the elm offers. However, new hybrids of the elm are available that appear to be disease-resistant. These and other suitable street trees for the district can be found in the City of Kingston Urban Forest Management Plan.

A particular issue in the district is the need for street trees and utility poles and wires to co-exist in the same narrow street edge. Utilities Kingston is very constrained in what options it can find for placing or replacing poles and wires, and it is bound by safety requirements as well as the need for service access. When trying to plant or retain trees, these constraints are often at odds with the objective of providing a continuous canopy of shade trees along district

streets, something that was common and more achievable in the pre-automobile, pre-electric age.

The following guidelines suggest options for an ongoing planting program that will attempt to retain and augment the visual and environmental benefits of street trees, as well as front yard landscaping.

## **7.2 General Guidelines for Streetscapes and Landscapes**

- The current street cross-section and curb-to-curb dimensions should be retained throughout the district where possible.
- To highlight the entrances to the district consideration should be given to widening the boulevard at intersections on the perimeter of the district. Opportunities here usually do not require removal of parking spaces and can provide traffic calming, space for tree planting, and can demarcate the entrances to the district.
- Proposals to widen sidewalks, including responses to accessibility requirements, should be carefully considered for their impact on street trees and front yard landscaping. Should accessibility become an issue, City Planning and Engineering staff should work with the Accessibility Co-ordinator to prepare options that do not negatively impact the heritage attributes of the district's streetscapes. Criteria for assessing those options should be made with reference to Section 80.31 of the Integrated Accessibility Standards (Ontario Regulation 191/11 under the AODA), with particular reference to exceptions 1 and 6.
- King Street and Johnson Street are designated as Arterial Roads in the Official Plan and are intended to accommodate high vehicular, pedestrian and cycle traffic volumes, transit services, as well as on-street parking. Should the City consider widening these streets to increase traffic capacity, any proposals must be considered in the context of their potential impact on the heritage attributes of the district. It is further noted that King Street is shown as a Heritage Character Corridor in the City's Official Plan.
- Improvements to municipal rights-of-way, including paving, sidewalks, utilities and street signage and street furniture, should be considered for their potential impact on the heritage character of the district. All street improvements should follow the guidelines in this Section.
- Parking policies for private and public property shall be considered for their potential impact on the heritage character of the district.
- Laneways are important heritage attributes of the district and should be recognized as rights-of-way which may provide access to private rear yards, accessory structures and parking areas.



## Tree Canopies

Mature trees embellish streets throughout the district, functionally as well as visually.





## Streetscape

Small details seen at close range encourage examination and provide clues to the past.



- There is considerable variety in private front yard and municipal boulevard landscape treatments throughout the district, the characteristics of which should be retained and used as a basis for new treatments. Common elements include a lack of fencing (except where historic walls and fences exist), as well as lawn and foundation planting.
- Historic elements in the streetscape, such as the few fenced front yards, street trees, planting (in private front yards) of ornamental vegetation, may be re-instated, where possible and feasible, using evidence from historic photographs and archival documents. Note that the City is not obligated to replace ornamental landscape treatments that have been planted in the municipal right-of-way and may be disturbed by municipal infrastructure work.

### **7.3 Street Trees**

- New trees chosen for planting on municipal rights-of-way shall be chosen for their ability to thrive in Kingston's soil and climatic conditions. They should be non-invasive species. Tree location and canopy type and height should be assessed so as to avoid conflict with below-and-above-grade services. Species selection and tree location shall be made in accordance with the City's Urban Forest Management Plan, in consultation with the City Arborist, with Utilities Kingston and with other telecommunications / utilities providers, as may be applicable.
- New trees should be planted to frame, not obscure, views of significant buildings and vistas down streets.
- Existing mature trees should be maintained and preserved wherever possible. As required, an assessment of tree condition within the district shall be conducted by the City Arborist to determine tree vitality. Mature street trees should be retained as long as possible through careful pruning and stabilization, in accordance with the Urban Forest Management Plan.
- Wherever possible, shaping of canopies of existing trees, as part of maintenance or installation of overhead utilities, should be done in ways that do not disfigure the tree.
- Any major reconstruction works planned by the City for the municipal right-of-way within the district should be reviewed by the City Arborist.
- Newly planted street trees should receive care from property owners, for example through watering during dry periods, to augment the care provided by the City.
- The City should continue its program of replacing street trees. Gaps in the continuity of plantings should be filled as budgets permit.
- Chosen species must provide a shade canopy for the sidewalk and street and should have a good chance of thriving in the shallow, clayey soils prevalent in Kingston, in accordance with the Urban Forest Management Plan.

## **7.4 Landscaping on Public Property**

- Heritage features such as combined stone and iron fences, stone walls and gateposts, hedges and other historic forms of enclosure are heritage attributes of the district and should be conserved.
- Restoration of original or earlier landscape treatments should be based on documentary evidence and shall require an Application for Alteration, for review by City staff.
- Fence construction within the municipal right-of-way is subject to all City by-laws, policies and procedures for use of that right-of-way.
- Front yard parking is not permitted in the current Zoning By-law, thus existing parking pads are encouraged to be removed and replaced with landscaping. Subject to improvements to access as part of street reconstruction, no new driveways should be created where none existed previously.
- Front yard landscape treatments should be made in consultation with City staff regarding any planting which could impact above-grade or below-grade municipal services. Since most planting may be within the municipal right-of-way (see the guidelines in 7.2 and 7.3) it should be made with reference to the City's by-laws governing encroachments on municipal property.

## **7.5 Landscaping on Private Property**

- If fencing on private property is to be considered, it should be of high quality and constructed in wood (picket), iron (wrought or cast), or stone (as a base or wall). Concrete bases for fences are acceptable. Subject to the City's Fence By-law (By-law 2014-140 as amended), use of chain link or pressure treated wood fencing is discouraged.
- In rear yards where there remain masonry walls surviving from former carriage houses and other older outbuildings, new construction adjacent to the walls must be set back at least one metre in order to permit access to both sides of the wall for maintenance and conservation purposes. Where such walls are located on the property line, the Building Code provides direction in certain situations, and staff of the Building Division should be consulted.
- Any new construction adjacent to the walls must not be any higher than, or have any part of it protrude above, the top of the existing wall, in order to preserve sky views from neighbouring properties.
- Existing trees in private rear yards should be conserved where possible. Parking and landscape treatments should be arranged so as to have no negative impact on the root zone, trunk or canopy of trees in rear yards.
- Landscape treatments in rear yards should be left to the discretion of property owners but should take guidance from the foregoing recommendations. Corner properties shall have the front yard guidelines applied to both street frontages.

## 7.6 Utilities and Lighting

- The ongoing requirements of Utilities Kingston and other telecommunications/utilities providers for utility pole placement, maintenance and upgrading shall be met within the district, however, Utilities Kingston and other telecommunications/utilities providers will endeavour to advise City staff of any planned changes to the utilities servicing infrastructure in the district prior to such work being undertaken.
- There should be no attempt to have falsely historic or otherwise decorative street lighting distinctive to the district. The City should use existing lighting poles and fixtures (or future substitutes or additions) that are simple and unobtrusive.

## 7.7 Signage and Street Furniture

- Commemorative or interpretive signage proposed to be placed within the municipal right-of-way shall be subject to the guidelines of the District Plan as well as the City of Kingston Sign By-law (By-law 2009-140), and By-law 2004-107 “A by-law to Protect the City’s Highways from Unauthorized Encroachment” and proposals for its placement within the district shall be subject to review by City staff.
- Street furnishings such as benches, trash receptacles and bicycle racks are a minor component of the district streetscape. When the opportunity arises, new furniture should be compatible with the district’s heritage character but not falsely historic, and should be co-ordinated with the City’s standard selections of such furnishings for downtown installations. Municipal regulatory signage should be kept to a minimum and signs should be grouped on existing poles whenever possible.
- Subject to future City budget allocations, consideration should be given to having special street signage for streets within the district, in compliance with municipal signage standards.

## 7.8 Parks and Open Space

The district has large public parks that supply its open space: smaller squares or even wider boulevards along streets are not present. Because the parks are large, complex and historically layered properties, the basic guideline for them is to be maintained in their current form pending completion of master plans for their conservation and enhancement.

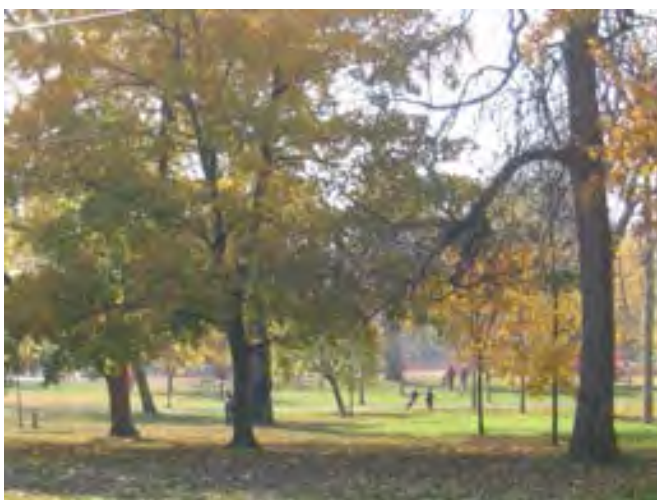
- City Park, including the Cricket Field, and Macdonald Park are significant cultural heritage landscapes and warrant conservation. As a future objective, master plans should be prepared for these parks that address issues of public safety, parking, criteria for design and placement of memorials and monuments, lighting, tree conservation and re-forestation, planting plans and species selection, design and placement of public recreation facilities, and maintenance and upgrading of municipal infrastructure. Interpretation of the Parks’ heritage significance should also be an integral part of the master plan. Any proposals to restore elements of the Parks to the original park design should be based on documentary evidence and be considered in the context of current and anticipated functional requirements. Consultation with Parks Canada on development of the master plan is recommended. The current moratorium on adding new memorials to City Park shall be maintained pending further study.

- Planting should be guided by the Urban Forest Management Plan and, when available, by a master plan for City Parks.
- Open space that is integral to institutional properties, such as the school and court house, should be conserved. Any proposals for changes to these open spaces shall comply with the guidelines in this Plan.



## Parks

The district's large open spaces have historic significance to augment their ongoing roles as places of both quiet and active recreation.







MCINTOSH CASTLE

# PART C: Managing Change

# 8. Heritage Application Process

## 8.1 Introduction:

Once the district is designated, all owners of property within the district must comply with the requirements of the *Ontario Heritage Act* and the HCD Plan. After designation of a Heritage Conservation District, the municipality assumes responsibility for managing change within the district and for overseeing conservation and development activity. However, this process does not need to be a burden on either the owners or the municipality. By providing a logical sequence of steps, by ensuring that the process is objective, fair and efficient, managing change becomes simply another part of the normal civic review process for land development. The policies in the District Plan are the basis for staff, Municipal Heritage Committee and Council to regulate change in terms of planning for Old Sydenham. In addition, the guidelines are the basis upon which both the municipality and property owners negotiate specific changes to individual properties and municipal public works and other City departmental initiatives follow the guidelines also.

## 8.2 Heritage Permits (Applications for Alterations under the Ontario Heritage Act)

The City's primary change management tool is called an "Application for Alteration under the *Ontario Heritage Act*" (also known as a "heritage permit") which is required for any action that may affect the heritage attributes within a Heritage Conservation District. These heritage attributes can be located on an individual property or in the public realm. Properties designated under Part IV of the *Act* may have additional aspects related to their reasons for designation that may require heritage permits (as in the case of designation of interior elements).

The Council of the Corporation of the City of Kingston has the authority under s.42(1) of the *Ontario Heritage Act* to grant, grant with terms and conditions, or refuse an application for a permit to alter, demolish or remove, or erect any building or structure within the HCD. The *Act* states that:

No owner of property within the HCD shall do any of the following unless the owner obtains a permit from the municipality to do so:

1. Alter, or permit the alteration of, any part of the property, other than the interior of any structure or building on the property (unless interior elements are designated).
2. Erect, demolish or remove any building or structure on the property or permit the erection, demolition or removal of such a building or structure.

Applications for Alteration under the *Ontario Heritage Act* are required whether the owner is a private citizen, public agency, business or the municipality. The Province of Ontario and the Government of Canada, as senior levels of government, are exempt from the requirement but commonly comply with the City's application requirements.

The “Application for Alteration under the *Ontario Heritage Act*” process is administered by the City’s Planning Division using professional staff. Permits are processed according to the requirements of the *Ontario Heritage Act* and in accordance with City requirements. The majority of permit applications are delegated to City staff and do not require approval by the Municipal Heritage Committee (MHC) or Council. Information concerning the application process is posted on the City’s website, and can be obtained from the Heritage Planning staff at [heritage@cityofkingston.ca](mailto:heritage@cityofkingston.ca).

### 8.3 When is an Application Required?

The *Ontario Heritage Act* stipulates that Applications for Alterations under the *Ontario Heritage Act* are required in HCDs only for work on the exteriors of buildings or structures, unless otherwise propertyed by another type of designation such as a Heritage Easement or Part IV (individual property) designation. If there is no other type of designation on a property, no application is required for the following works:

- Interior alterations unless a related designation under Part IV includes such protections;
- Maintenance as defined by the City or as defined within a Part IV *Ontario Heritage Act* designating by-law, and currently defined in the Procedural By-law for Heritage (By-law No. 2013-141<sup>2</sup>) as:

“Routine, cyclical, non-destructive actions, necessary to slow the deterioration of Protected Heritage Properties, including the following: periodical inspection, property cleanup; gardening and repair of landscape features; replacement of broken glass in windows, minor exterior repairs, including replacement of individual asphalt shingles where there is little or no change in colour or design); repainting where there is little or no change in colour; re-pointing areas of wall space under 1.5 square metres; caulking and weatherproofing; and any other work defined as maintenance in an individual designation by-law, or in a Heritage Conservation District Plan.”

All other exterior changes to the property require an application. City staff have delegated authority to review applications for works that include, but are not limited to, the works listed below. An application is required for the works listed below. By-law 2013-141 states that:

“Council delegates all of the power that Council has respecting the granting of permits to the Director to approve minor alterations to designated properties. This delegation of authority includes the power to grant approval to an application for an alteration with terms and conditions and is granted in relation to the following topics:

- a. removal of, or alterations to, signage within the sign’s present configuration and building coverage;
- b. replacement of eaves troughs and downspouts;

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<sup>2</sup> Under the Ontario Heritage Act, Council can delegate specific works to municipal staff. Currently, under City of Kingston By-law No. 2013-141, City staff are granted specific approval powers under the Ontario Heritage Act R.S.O. 1990 C.O. 18(Section 33 (15) and 33 (16) as well as Sections 42 (16) and 42 (17). Bylaw 2013-141 delegates most heritage permit review to City Planning Division staff.

- c. replacement of exterior lights with a similar style and brightness;
- d. repair and replacement of windows undertaken in conformity with the City's Policy on Window Renovations in Heritage Buildings;
- e. installation or replacement of removable storm windows and doors with historically correct materials;
- f. replacement of roofing where there is little or no change in colour, materials or design;
- g. repair of existing features, including wall cladding or siding, dormers, cresting, cupolas, cornices, brackets, columns, balustrades, soffit and fascia, porches and steps, entrances, foundations, and decorative wood, metal, stone or brick, provided that the same or historically accurate types of materials are used with details replicating the original, and the repairs relate to small amounts of decay or damage, for example less than 10% of surface area of the element being repaired;
- h. re-pointing of masonry undertaken in conformity with the City's 'Policy on Masonry Restoration of Heritage Buildings', and limited to 10% of the surface area being repaired;
- i. repainting part of, or the whole building or structure, in the same colour or a historically-accurate colour;
- j. installation of mechanical and electrical equipment and vent stacks and exhaust pipes which penetrate the building envelope, are not visible from the street and are carried out in a manner that does not alter the building's attributes;
- k. repair of sidewalks and driveways;
- l. the erection of stand-alone accessory buildings and structures if they are no larger than 10 square metres (108 square feet) and are located in the rear yard;
- m. repair of fences;
- n. revisions or amendments to previously approved permits only if proposed alterations involve work for items included in the delegated authority;
- o. final issuance of grants following completion of work which has been carried out in accordance with provisional approval for an application for alteration;
- p. when the interior designations of the City Hall are affected, including only the permission of temporary exhibitions and for interpretive material, way-finding signage, civic collection management and for minor reversible renovations that are not significant in nature; (Note that this section does not apply to the Sydenham HCD)
- q. situations requiring emergency repair which are considered to be a health, safety or security issue by the Director, the Chief Building Official or the Fire Chief, and in consultation, if possible, with the Chair or the Vice-Chair of the Municipal Heritage Committee."

The *Ontario Heritage Act* requires applications for demolitions to be sent to City Council via the Municipal Heritage Committee. Thus, the Municipal Heritage Committee review and Council approval is required for the following work:

- Demolition of buildings or structures, or portions thereof (as required for listed or designated properties in the City of Kingston);
- New construction on vacant properties; and
- Significant alterations to, or removal of, heritage attributes, as described in the HCD Plan.

#### **8.4 What is the Application for Alteration Approval Process?**

The proposed alteration application process is as follows:

Step 1: Applicant meets with or discusses with Heritage Planning staff to determine if the proposal involves maintenance, in which case a heritage permit is not required.

Step 2: Applicant makes an application, including the necessary supporting information.

Step 3: Heritage Planning staff review the application, and determine whether the approval can be approved by staff under the delegated authority (Option A), or whether the matter needs to be assessed by the Municipal Heritage Committee (Option B).

Step 4 (Option A):

- Staff deems the application to meet the terms of the delegated authority under By-law 2013-141.
- Staff approves the application, and the decision is final.

Step 4 (Option B):

- Staff deems the application not to be delegated to staff, and requires MHC approval.
- Staff undertakes a technical circulation, prepares a staff report, which is then submitted to MHC for review.
- MHC makes its recommendation to Council.
- Council decides to grant, grant with terms or conditions, or refuse the permit.
- The applicant has the right to appeal refusal to the OMB (under Section 42(6) of the Act).

In addition, staff or an applicant has the option to request that any application be forwarded to the Municipal Heritage Committee for their consideration (2013-141).

Some examples of terms or conditions that Council may request include:

- If the proposed development could involve significant changes to the character of the district, the City may require the proponent to supply a Heritage Impact Statement and/or Conservation Plan, to be prepared by a qualified heritage professional, analyzing the impact of any proposed work on the heritage attributes of the property, neighbouring properties, and the HCD as a whole. The report contains a fitting conservation strategy and recommends approval of the permit application as submitted, provides alternatives, or recommends refusal. The Heritage Impact Statement requirements are available from the City of Kingston Planning Division. This applies also to properties that are adjacent to the district as per Section 7.2.5 of the City's Official Plan and note that this applies to properties that are contiguous with the district boundary including those adjacent to the municipal rights-of-way integral to those boundaries;
- Documentation of the property prior to the work being proposed in the application. This typically involves brief historical research, photography of current conditions, measured drawings and may also include requirements for salvage of identified components. Copies of the documents are typically submitted to the City for their records;
- Archaeological assessments as per the Council-endorsed Archaeological Master Plan.

Requirements for a complete application for a heritage permit are found in the Procedural By-law for Heritage (By-law 2013-141, in Schedule 'A') and are summarized below:

- Municipal address of the property;
- Name and address of the property owner;
- Description of the proposed work, including the following:
  - A site plan/sketch showing the location on the building/property of the proposed work;
  - Drawings of the proposed work showing materials, dimensions and extent of the work to be undertaken;
  - Any written specifications or documentation of the proposed work;
  - Photographs of the existing building/property condition where the work is to take place;
  - Any research or documentation (e.g. archival photographs, or pictures, plans of similarly treated buildings in the HCD) in support of the proposed work; and
- Signed statement by the owner or agent authorizing the application.

Once a complete application for alteration has been submitted, the *Act* requires the municipality to either grant or refuse the permit within a period of 90 days. Approval will be granted as long as:

- There are no material changes to plans, specifications, documents or other information that forms the basis for issuing the permit; and



- The work is carried out in accordance with the plans, specifications, documents or other information.

For projects requiring a building permit, the applicant must apply for a building permit as well as a heritage permit: the two review processes will proceed simultaneously. For projects requiring Site Plan Approval, or an amendment to the Zoning By-law or Official Plan, separate applications for these actions must also be made, for review by relevant City staff and Committees of Council, and the processes will be carried concurrently as much as possible.

## **8.5 What Should Applicants do in Preparation for an Application?**

To make the process as smooth as possible for all concerned, applicants should do some background research. Suggested actions include the following:

- Become familiar with the HCD Plan objectives, policies and guidelines;
- Review the property description in the inventory and evaluation attached to this plan, noting the heritage attributes;
- Become familiar with standard principles and practices for heritage conservation work, as found in the Ontario Heritage Tool Kit and the Federal Standards and Guidelines for the Conservation of Historic Places in Canada (see Section 3.2 for references);
- Collect any available documentary research on the history of the property;
- Consider how the subject property fits within the streetscape and how the proposed work can be integrated; and
- Arrange a meeting with Heritage Planning staff to preview the application prior to submission.



SYDENHAM STREET LOOKING EAST TO BROCK STREET

## Appendices:

Note that these Appendices do not constitute part of the Heritage Conservation District Plan, and they are not subject to the by-law designating the district.

# **A. City of Kingston Heritage Conservation District Implementation Process**

## **A.1 Rationale for Delegation of Approval Authority to Staff**

Old Sydenham has been widely recognized for its heritage character. The rationale for its designation began a half century ago. As described in detail in the Heritage Conservation District Study (2009), the Old Sydenham area has been identified as having heritage significance in many previous studies, beginning with urban renewal plans from 1960 and 1970, and continuing in the City's Official Plans from that time to the present. What is notable in all of these documents is a consistent regard for the holistic nature of the district's heritage resources. The district is a complex assembly of streets and lanes, boulevards, parks and open spaces, and a collection of historic buildings that makes the area a special cultural landscape.

The success of this District Plan will depend on how the document is implemented over time. This is an important heritage conservation district, and at the heart of the district is one of the city's earliest open space areas - City Park. In addition, the pattern of streets has been in place from early times, and it is this broad cultural landscape comprising both public and private lands that is fundamental to the success of the district. Staff across various departments will need to coordinate and consider how new plans, policies and capital projects will affect the district. Staff will have to develop the plans, policies and capital projects with respect for the recommendations in the Plan finding a balance between the intent of the Plan and expectations and needs of a changing world. Staff should insure that any request for proposal issued by the City that may have impact on the district references the District Plan as a resource.

The process of implementation will require the cooperation of staff in various city departments to discuss infrastructure improvements as the need for public realm actions arise. Any proposed facility work which affects the district and requires an Environmental Assessment supported by a Heritage Impact Statement will be communicated to the Municipal Heritage Committee by way of a briefing. While no heritage permits would generally be required, it is important for City staff to have regard for the heritage character of the district. As one example, the District Plan encourages on-street parking and does not restrict how the City manages that supply. The City manages parking supply through programs and policies, and it will be important to balance the broader public good with the policies and guidelines set out in the District Plan. Therefore, changes to the on-street parking regulations would be subject to Council approval and heritage concerns would be addressed through the related consultation process. Similarly, new signage could be planned for the district which would not require the approval of the Heritage Committee, but should be done in cooperation with Planning Division staff.

However, should there be a conflict between the Heritage Conservation District Plan for the Old Sydenham area and a municipal by-law that affects the district, the Plan prevails to the

extent of the conflict. In all other respects, the by-law remains in full force. (Further discussed in Section A.2.1 of this document) In terms of the City's current zoning by-law, for example, the District Plan has been drafted to co-exist with the existing by-law provisions, rather than set numerical standards. In many cases, those regulatory standards are in existing zoning and are expected to reside in that document when a comprehensive zoning by-law is developed across the municipality.

The Municipal Heritage Committee's (MHC) mandate was changed in 2012 (Council Report 12-195). The Procedural By-law for Heritage, approved as By-Law 2013-141, as may be amended from time to time, sets out the rules for the City to approve heritage permits, and also sets out staff's delegated authority as allowed under the *Ontario Heritage Act*. The City may consider further delegation in the future. Within this District Plan, the proposed approval process for applications for alterations provides a role for the Committee in reviewing any application for a heritage permit that is deemed not to fall under the delegated authority. Staff and the public will seek the advice of MHC on important matters arising from potential changes within the district, such as significant development proposals requiring Site Plan Approval, a rezoning, or an Official Plan Amendment.

## **A.2 Current Municipal Heritage Policy Context**

Old Sydenham has been recognized for its special character before, and the rationale for its designation begins a half century ago. As described in detail in the Heritage Conservation District Study report, the Old Sydenham area has been identified as having heritage significance in many previous studies, beginning with urban renewal plans from 1960 and 1970, and continuing into the City's Official Plans from that time to the present. What is notable in all of these documents is a consistent regard for the holistic nature of the district's heritage resources; the fact that it is a complex assembly of buildings and landscapes that makes the area special.

The general recommendations for conservation of local scale, urban texture and streetscape character are still applicable today and are reflected in this Plan's guidelines. In addition to comments on area character and suggestions for ways of maintaining that character, each of the studies recommends some form of legislative protection for the area, although they preceded the passage of the *Ontario Heritage Act*. Once the *Act* was passed, subsequent Official Plans for the City noted the area and, in the most recent version, considered it to be a priority area for consideration as a potential Heritage Conservation District. In short, the municipality's intent to protect Old Sydenham has been evident for the last fifty years.

The current Heritage Conservation District planning initiative is evidence that the City is now putting this intent into action.

### **A.2.1 Provincial Heritage Planning Policies**

The Provincial Policy Statement (PPS, 2014), the over-arching indication of the Provincial government's interest in planning matters, continues to place heritage conservation on equal terms with other major planning matters, such as natural heritage and agricultural matters.

Section 2.6, Cultural Heritage and Archaeology, states that (2.6.1) significant built heritage resources and significant cultural heritage landscapes shall be conserved (italicized terms are defined within the PPS). The remainder of the section provides policies for the conservation of areas of archaeological potential and for the assessment and mitigation of impact of development or site alteration on adjacent lands to protected heritage property. This policy applies to Heritage Conservation Districts as well as to individually listed or designated properties.

The primary Provincial heritage policies are found in the *Ontario Heritage Act (2005)*. Subsection 41.2 accords the provisions of an HCD Plan priority over public works practices and other municipal by-laws:

- (1) Despite any other general or specific Act, if a heritage conservation district plan is in effect in a municipality, the council of the municipality shall not,
  - a) Carry out any public work in the district that is contrary to the objectives set out in the plan; or
  - b) Pass a by-law for any purpose that is contrary to the objectives set out in the plan.
- (2) In the event of a conflict between a heritage conservation district plan and a municipal by-law that affects the designated district, the plan prevails to the extent of the conflict, but in all other respects the by-law remains in full force.

## **A.2.2 Municipal Heritage Planning Policies**

The mandate for undertaking the district designation process comes from the City of Kingston Official Plan (2010), which includes policies for cultural heritage resources. Within this section (Section 7), the policy requirement for preparing a Heritage Conservation District Plan for any designated district is found in Section 7.3 C.3. There is also specific mention made of the “Sydenham Heritage Area” as a part of the city that the municipality intends to investigate for potential heritage conservation district designation (7.3 C.6 (b)). The Plan also goes further by preparing the way for the current HCD Plan by stating the following, which are also the objectives to be achieved by district designation (7.3.D.1):

“The Old Sydenham Heritage Area...is recognized as a cultural heritage character area. This residential complement of the downtown is characterized by historic homes and the expansive public open space areas of City Park and Richardson Beach. A study leading to a potential Heritage Conservation District Plan is being undertaken for this area and will result in further policy provisions for this Plan. Until that time, the following policies apply:

- a. maintenance of buildings and the character of the area will be encouraged through conservation and rehabilitation in a compatible aesthetic context;
- b. conservation of the historic visual character of the area includes preservation of buildings and structures, and also incorporates streetscape features such as landscaping, lighting, signage and fencing;

- c. protection of street end views of Lake Ontario and access to the water through such means as views and appropriate siting of buildings;
- d. preservation of the historic role of City Park as the foreground of the Frontenac County Courthouse National Historic Site, and the historic role of Macdonald Park as the setting of the historic Murney Martello Tower, Newlands Pavilion, and Richardson Beach House, all as significant sites within the Old Sydenham Heritage Area; and
- e. maintenance of a continuous pedestrian promenade linking observation points and public parkland as part of the Waterfront Pathway and Lake Ontario Waterfront Trail.”

In the period since the 2009 Heritage Conservation District Study was finalized, several policy documents commissioned by the City are also of relevance because they further reflect a trend towards conservation and enhancement of urban districts in Kingston.

### **Strategic Plan 2011-2014**

While this is a general planning document, it does address heritage conservation at several levels. It directs City Council, in its decision-making, to undertake growth management by considering “sustainability, preservation and neighbourhood revitalization when planning, developing and intensifying” (p. 12). When developing community plans, the City is to be proactive and “incorporate cultural elements within neighbourhood planning” (p. 29). Finally, the Strategic Plan also recommends that the City implement the City’s Culture Plan, in which there is a recommendation to “review and update the Heritage Conservation District Plan” for Old Sydenham (p. 40).

### **Urban Design Guidelines (March 2014 draft)**

These guidelines, intended to address both new and infill development, contain recommendations for conservation and alteration of heritage properties. Overall direction is found in the “guiding principles” for “Design Guidelines: Communities”: “Principle 8. Integrate and Highlight Cultural Heritage Resources” (p. 5) and in “Design Guidelines for Residential Lots”: Principle 7. Integrate and Highlight Cultural Heritage Resources” (p. 5).

More specific direction is found in the set of guidelines entitled “Design Guidelines for Residential Lots”. Most of these guidelines add detail to the heritage planning policies found in the City’s Official Plan. For example, when dealing with additions and renovations to existing buildings (heritage and non-heritage), the “current stock of historic properties should be used as an inspiration to determine the mass, scale, pattern, and materials to create a cohesive community (Section 2.1.2, p. 3). For development within areas of heritage character, such development “must complement” and “be context-specific” (2.1.4, p. 4). For additions to properties within Heritage Conservation Districts, such work will “require further review and approval from the City” (p. 4). New construction in districts “may require a Heritage Impact Statement” (p. 4).

More specific guidelines for heritage contexts are found in the “general considerations”. Under “built form and massing” (5.1, p. 19) are the following guidelines applicable to Heritage Conservation Districts: “a. Determine context-sensitive height” and “d. Consider compatibility



with community character”. Under guidelines for different low density residential settings there is “a. Use a compatible height and mass to adjacent single-detached dwellings” (5.2, p. 21) and “a. Ensure that additions and renovations are context-sensitive” (5.5, p. 25). Similar contextually focused guidelines are found in Section 6: Building Features and Detailing, a set of guidelines that is of a comparable level of detail to that provided in this Old Sydenham Heritage Conservation District Plan. Under “heritage considerations” (6.10, p. 37) are a set of over-arching design guidelines applicable to all properties in a Heritage Conservation District, not just residential ones. These guidelines complement those found in this District Plan and when completed, should be used in conjunction with them.

## **Culture Plan (2010)**

The Kingston Culture Plan includes heritage resources as one element of the many expressions of local culture found in Kingston. While most of its emphasis is on arts and culture, the role of heritage conservation is addressed and recommendations are made for the treatment of heritage conservation districts, for managing heritage resources, and for heritage as an integral component of initiatives to promote cultural tourism. For example, one of the overarching themes, Theme CU2 is entitled “History and Heritage”, and its goal is to “identify, protect and promote Kingston’s cultural heritage resources” (p. 19).

In terms of recommendations related to Heritage Conservation Districts, the Plan states that:

“Conservation District Plans should be more than guidelines for preservation of historical architecture. Plans should provide strategies for fostering the community’s cultural values. They should also delineate important heritage characteristics and distinguish these from other elements that have little heritage value. To be effective, Conservation District Plans must also work in tandem with urban planning policies and with the evolution of the community (p. 45).”

The Culture Plan goes on to suggest conservation approaches for Old Sydenham (p. 45), based on the definitions for such approaches found in the Parks Canada Standards and Guidelines for the Conservation of Historic Places in Canada. Because of the relatively intact character of the heritage resources in Old Sydenham, the plan recommends “restoration” as the appropriate response. However, as will be described in this Plan, a variety of approaches may better respond to the complexity of Old Sydenham than a single approach, and so the Heritage Conservation District Plan will provide more specific conservation approaches, as required, for the different components of the Heritage Conservation District, rather than a single, over-arching approach as recommended in the Culture Plan.

In summary, there is growing consensus in municipal planning policy around the idea that district conservation/designation is an important goal for Kingston. The Old Sydenham area is consistently cited as an example of an area well suited to designation and having such a high level of heritage significance as to require special planning policies and urban design guidelines. The Heritage Conservation District Plan is a logical expression of this consensus.

### **A.2.3 Recommended Amendments to the Official Plan**

The policies of the current City of Kingston Official Plan that apply to the Old Sydenham Heritage Conservation District have been reviewed in the context of concerns that have been raised by the public, by the Heritage Committee and by City staff. In any case, it is clear that the current policy will require revision to acknowledge that the Heritage Conservation District Study and Plan have been completed, and thus there is an opportunity to provide additional policy and to clarify certain general policies in the Official Plan. The proposed amendments that follow reflect the HCD Plan goals and objectives, as stated above.

#### **Schedules:**

1. The boundaries of Schedule 9 “Heritage Areas, Features Protected Views” should be amended to reflect the altered boundary of the Old Sydenham Heritage Conservation District (HCD) and the map colour should be changed to indicate that the HCD Plan is completed.

#### **Recommended change to Official Plan policy:**

The following text is suggested for an Official Plan Amendment to incorporate the Old Sydenham Heritage Conservation District Plan:

1. New Section 7.3.C.9

“The Old Sydenham Heritage Conservation District represents over 200 years of Kingston’s history. The heritage character of the Old Sydenham Heritage Conservation District is that of a mature downtown residential neighbourhood of human scale, bounded by major institutions and by the shore of Lake Ontario. The Old Sydenham Heritage Conservation District includes an exceptional concentration of the finest examples of 19<sup>th</sup> Century architecture, a distinctive street pattern offering historic views; important public buildings; Murney Tower National Historic Site, an early fortification and a component of the Rideau Canal and Kingston Fortifications UNESCO World Heritage Site and memorials; as well as expansive open spaces located in City Park, and Macdonald Park. The landscaping, laneways, irregular setbacks as well as the variety of architecture form heritage attributes of this district. All properties within this district are “of interest” to the heritage significance of the area under the *Ontario Heritage Act*.

New development or any alteration must follow the Old Sydenham Heritage Conservation District Plan and must maintain the heritage buildings, features and landscapes, the topography, and archaeological sites and resources. The following specific matters must be addressed:

- a. The district is a stable, pedestrian-focused, historic neighbourhood of human scale which is a significant cultural heritage resource to be conserved and protected from proposed changes that could undermine its heritage attributes. Its heritage attributes include the following:
  - Varied ages, styles and types of buildings;

- Important civic buildings including the courthouse & registry office, churches and a school, within a residential neighbourhood;
  - Landmark buildings that dominate the skyline;
  - Prominent buildings at street corners;
  - Protected views down streets to the lake and parks;
  - Tree-lined streets, and trees dominating rear yards;
  - Historic landscape elements (period planting layouts, walls, fences and street furniture);
  - A generally high standard of care and maintenance for buildings and landscapes;
  - Physical evidence of historical associations with every stage of Kingston's history; and
  - Proximity to the downtown, major institutions (hospitals and university) and the lake.
- b. The district is intended to remain a stable area that conserves its heritage resources. Demolition is controlled through the *Ontario Heritage Act*. Additional development is limited to small scale alterations and compatible infill in accordance with the District Plan to reflect the massing and landscaping context of the district.
- c. The location and treatment of public infrastructure including utilities, roadway widths and surface treatments, rear lanes, sidewalks or pathways, street trees and boulevard size or treatments, and park installations will be planned and co-ordinated in a manner which is sympathetic to the heritage context of the district, with regard to the policies and guidelines of the District Plan.
- d. City Park and Macdonald Park are special features within the cultural landscape of the Old Sydenham Heritage Conservation District, and their structural components and heritage context will be conserved. Park master plans are recommended to address issues such as parking, signage, memorialisation type, location, and design criteria, tree care, recreational facilities and cultural resource conservation practices.
- e. The retrofitting of buildings to achieve energy efficiencies or the addition of private installations such as fire escapes, solar panels, wind turbines and telecommunication facilities will be regulated, where possible, in accordance with the District Plan in order to conserve the heritage character of individual properties and the cultural landscape quality of the district.
- f. The City will continue to monitor and manage vehicular parking within the Old Sydenham Heritage Conservation District, both on City streets and private properties, so as to minimize minimal impact on the heritage character of the district.

- g. The use of area-specific zoning requirements and, when appropriate, site plan control, within the district, may be utilized to implement the Official Plan and the District Plan.
4. Section 7.3.C.6 is to be amended by deleting Sydenham Heritage Area from subsection “b” and renumbering the following sections accordingly.
5. Section 7.3.D.1 is deleted, and the following subsections are renumbered accordingly.
6. Revise Schedule 9 to show the final district boundaries of the Old Sydenham Heritage Conservation District Plan on the map in red and label as number 3. Revise the Legend to add “Old Sydenham” as number 3 under the Heritage District heading and to delete “Old Sydenham” from the Heritage Area heading. Revise the Legend to renumber the Heritage Areas on the map and in the Legend.

#### **A.2.4 Recommended Amendments to the City of Kingston Zoning By-law**

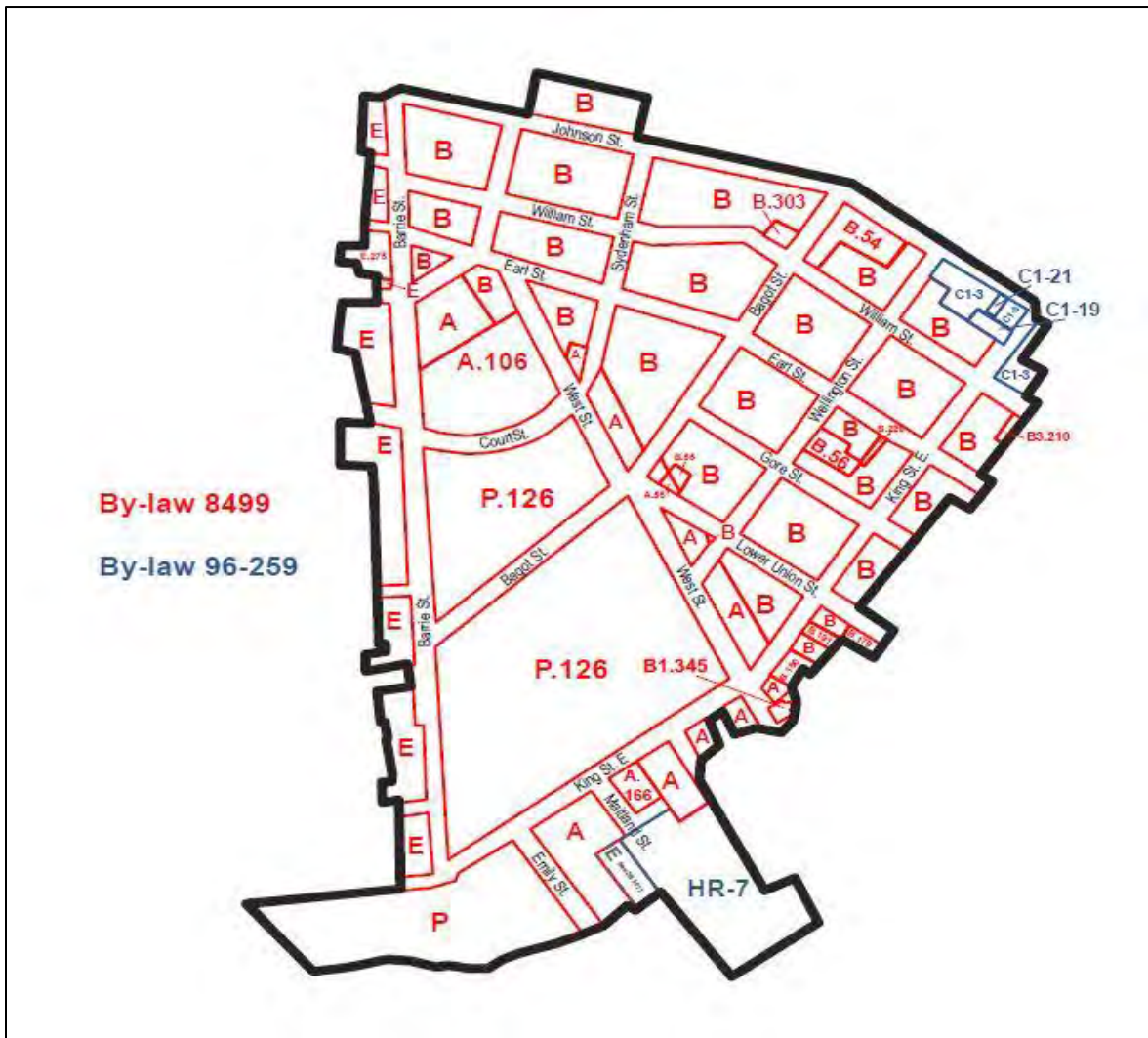
The Old Sydenham Heritage Conservation District is within an area of the City that is primarily subject to Zoning By-law 8499. A smaller number of sites, near Johnson and King Street, are subject to the Downtown and Harbour Zoning By-law. By-law 8499 was adopted by the City in 1975 and approved in 1977, and therefore provides a longstanding set of zoning provisions for the district. The By-law applies to a broad area of the City and was not necessarily tailored to reflect the heritage character of Old Sydenham. Existing zones in the City of Kingston Zoning By-law 8499 include the E (Institutional) zone, which applies to Queen’s University and the Kingston General Hospital, and the A and B zones which are predominantly residential zones which include some site specific zones. The A zone generally provides for one and two units (along with other uses) and borders the City Park on West Street. The B zone which covers a much larger portion of the district, generally provides for up to six units along with the uses permitted in the A zone. The Downtown and Harbour By-law comprises a number of commercially zone properties, many of which are site specific. Also, a special HR (Harbour) zone is also present in the district, which recognizes the special needs of the Kingston Yacht Club. See the following Map which shows the current zoning.

While it was not within the Terms of Reference of this project to prepare new zoning provisions for the district properties, it was important to review a number of specific zoning standards in order to see how provisions might be re-drafted for the new comprehensive Zoning By-law. During the public consultation for this project, it was evident that the residents in the district also have concerns with a number of specific matters, as described below.

Parking is required to be situated on a property which is subject to a development proposal. In the case of infill development, parking should be located in an unobtrusive location, preferably to the side or rear of the structure. Residents clearly indicated that they support the zoning provisions which prohibit front yard parking, and there is support for the continued use of these provisions. A number of comments were also received indicating that there is questionable support for permit parking which is allowed on the streets within the district.

Front yard setbacks for new construction can be controversial. New construction should relate to the adjacent buildings or to the current building footprint in order to reflect established setbacks that contribute to the district's heritage character. However, many buildings currently are very close or situated on the property lines, and this presents some concerns when new development is asked to be stepped back from the municipal right-of-way.

In addition, several other zoning matters are currently under review by the municipality. Amenity space provisions will be the subject of an upcoming report to Planning Committee, as the concern is that the provisions are outdated. In addition, the provisions affecting conversions are under review, and these clearly have impacts on proposals for new developments in the district. Residents expressed concern about provisions which allow for the doubling of a building on a property. Beyond those standards referenced above, there are other provisions which affect heritage planning specifically, such as provisions for dormers, which apply to the A zone but not the B zone, and consideration should be given to having a consistent policy across the district.



As noted above, therefore, there are a number of zoning changes for this district that should be considered for inclusion within the Comprehensive Zoning By-law. Should completion of the Comprehensive Zoning By-law be delayed for a period of time, the City could consider



amending the existing Zoning By-law, using the recommendations in this section as guidelines. A number of possible options are set out for proceeding with zoning amendments; these are listed below and are described briefly.

APPROACH	DESCRIPTION	FEASIBILITY
<p>1) Do nothing with the existing zones at present, but consider appropriate zoning as the new Zoning By-law is prepared for this area.</p>	<p>This approach assumes the provisions of the District Plan will apply to the extent that there is any conflict between the zoning by-law and the District Plan. The overall review of these zones would proceed as the new Zoning By-law is developed.</p>	<p>This approach represents the path of least resistance, as it is not represent a significant departure from the current situation at this time.</p> <p>However, the approach does not address the currently outdated zoning.</p>
<p>2) Replace all zones with a new Development Permit System (DPS).</p>	<p>Using a DPS is an approach municipalities can take to protect and enhance built heritage. DPS provisions can be written to ensure that new development is designed to be sympathetic to any significant heritage features, attributes and characteristics of surrounding buildings. The DPS can provide detailed criteria about how built heritage resources and/or cultural heritage landscapes can be assessed, improved and adaptively re-used.</p>	<p>The DPS can be affective as it can impose conditions that complement bylaw provisions dealing with individual properties and Heritage Conservations Districts, to ensure conservation of all identified heritage attributes associated with such properties.</p> <p>A DPS is also a relatively new regulatory tool used by municipalities, and the public may be reluctant to see an entirely new system introduced.</p>
<p>3) Replace all zones with new zones, or a broad site specific zone.</p>	<p>This approach involves a complete overhaul of the district's current zoning.</p> <p>A new site specific zone, or multiple zones could be assigned to all of the district's properties.</p>	<p>This approach would provide a clean slate that could then be easily incorporated into the new zoning by-law. However, this approach represents a significant departure from the current situation and would impact the majority of district properties.</p>

<p>4) Make minor changes to the existing zones, including a broad overlay that would apply to the district as a Heritage Overlay.</p>	<p>Changes would be made to existing zones as needed to accommodate the new District Plan. A Minor zone could be introduced such as delineating a line between the A and B zones which does not cross property lines. Also, a Heritage Overlay could be introduced. This is an additional layer of regulations placed “over” a base zone that is designed to encourage the retention of existing buildings of cultural heritage value. A heritage overlay would help administratively to guide people to the District Plan, and it could also guide changes which are compatible with the heritage characteristics of the district.</p>	<p>This approach would keep the existing collection of zones intact, and would provide a link to the District Plan.</p> <p>A Heritage Overlay encourages the retention and reuse of existing buildings and ensures an extra level of consideration during the review of applicable development applications.</p> <p>This extra regulatory layer, however, may be perceived by property owners/developers as excessive. Otherwise, the overlay may act as a disincentive for investment and improvements altogether.</p>
<p>5) Make changes to existing zones without an overlay.</p>	<p>Changes would be made to existing zones as needed to accommodate the new District Plan.</p>	<p>This approach could be used to direct the user to the District Plan design guidelines. It could also keep the existing zones intact, or it could recognize existing density across the density, which appears to be considerably lower than existing zoning would currently allow.</p>

### **A.2.5 Recommended Amendments to the Site Plan Control process**

Site plan control is a useful tool to help implement the district policies and guidelines. In order to do so effectively, Site Plan Control By-law 2010-217 should be amended to clarify the circumstances under which designated heritage properties and those properties which are adjacent to heritage properties should be subject to site plan control. Situations where

additional residential units are being proposed for a building, or when large additions are proposed, are cases in which site plan control should be applied. There may also be situations where major landscape alterations are proposed that should also be subject to site plan control. The Site Plan Control By-law is, however, in need of an overall review and update, and the desire is to include this review in the 2015 work plan for staff.

### **A.2.6 Monitoring the Plan's Implementation**

With over 500 properties and a mix of land uses, the Old Sydenham HCD is a complex neighbourhood within which there will be a variety of changes over time. Since this HCD will be the first district designation in Kingston since the early 1980s, and the first since the 2005 changes to the *Ontario Heritage Act*, it is important for the City, as well as for local residents, to see the ways in which change has been managed following designation, and to rectify any problems with the conservation and regulatory processes. Therefore, it is recommended that a monitoring program be put in place subsequent to the passage of the designating by-law, containing:

- Tracking of building permit applications applied for and granted, by type, completeness and location;
- Tracking of applications for Site Plan Control, or amendments to the Zoning By-law or Official Plan applied for and granted, by type, completeness and location;
- Recording number of applications for all types of permits delegated to staff for review, and those reviewed by MHC;
- Average time required to review and process heritage permit applications; and
- Comments received from the public, City staff and Council regarding conservation and regulation within the HCD.

City Planning Division staff will be responsible for monitoring the implementation process. It is suggested that the monitoring process be undertaken on an annual basis.

In the longer term, consideration should be given to reviewing the HCD Plan policies and guidelines only as necessary to reflect any changes in municipal or Provincial heritage policy, or in response to changes in procedures or functions within the City of Kingston.

### **A.2.8 Financial Incentives and Strategies**

The City will continue to support heritage conservation through existing and future municipal and other grant and incentive programs.

### **A.2.9 Implications of 2012 Ontario Building Code (OBC) on undertaking changes to existing buildings**

#### **General**

We recommend that anyone considering changes to an existing building within the HCD consult first with the City’s Building Division. The discussion of the Ontario Building Code (OBC) here is not comprehensive; it serves to act only as a general survey of issues related to changes in existing heritage buildings.

## Heritage

The OBC defines a heritage building as a building:

- a. that is designated under the *Ontario Heritage Act*, or
- b. that is certified to be of significant architectural or historical value by a recognized, non-profit public organization whose primary object is the preservation of structures of architectural or historical significance and the certification of which has been accepted by the chief building official.

## Changes

The OBC requires that for existing buildings, certain levels of performance be achieved in the event that:

- 1) a change of major occupancy or use occurs; or, 2) if a basic or extensive renovation occurs.

**OBC Division B Part 10** deals with a change of use or major occupancy in an existing building. The most commonly anticipated change of use in the HCD area is the subdivision of a single dwelling unit into multiple dwelling units. This change would trigger a range of performance requirement upgrades potentially affecting the appearance of the exterior of the existing building including and not limited to: means of egress; windows (dimensions, area, air infiltration); thermal performance of building envelope, revision of combustible cladding to non-combustible cladding. Any of these items have the potential to affect the contributing heritage defining elements of the property.

Part 10 also allows for predetermined “Compliance Alternatives” where the normal required performance upgrades cause construction difficulties or are determined to be detrimental to the preservation of heritage buildings. Compliance Alternatives on their own may not provide the degree of relaxation required to completely avoid altering heritage defining elements.

**OBC Division B Part 11** deals with basic and extensive renovation. It is anticipated that Part 11, as well as the Compliance Alternatives contained therein, will be applied to the HCD area.

Part 11 applies to all buildings over 5 years old, even if part of the building is less than 5 years old.

### Basic Renovation

Except in the case of hotels, a “basic renovation” would allow construction to be carried out to maintain the existing performance level of all or part of the existing building, by the reuse,

relocation or extension of the same or similar materials or components, to retain the existing character, structural uniqueness, heritage value, or aesthetic appearance of all or part of the building if, the construction will not adversely affect the early warning and evacuation systems, fire separations, the structural adequacy or create an unhealthy environment in the building.

### Extensive Renovation

Where existing interior walls or ceilings or floor assemblies or roof assemblies are substantially removed in an existing building and new interior walls, ceilings, floor assemblies or roof assemblies are installed in the building, structural and fire resistance elements shall be constructed in compliance with the requirements of the other Parts of the OBC.

#### A.2.10 Implications of undertaking changes to achieve Accessibility (OBC & AODA)

##### **OBC 2006: General (new provisions to be effective in 2015)**

The OBC does not require the application of OBC Section 3.8 (Barrier Free Design) for houses including semi-detached houses, duplexes, triplexes, town houses, row houses and boarding, or rooming houses with fewer than 8 boarders or roomers. In the event of an extensive renovation to an existing building other than noted here, Section 3.8 would be applied.

##### **AODA: General**

The Accessibility for Ontarians with Disabilities Act became law in 2005. As of January 1, 2016, new construction and renovation will be subject to updated accessibility requirements.

The Standard is intended to be read in conjunction with the OBC, the more stringent requirement prevailing in each instance. The Standard is to be applied to all public and private built environments (buildings, parks, playgrounds), to all new construction and to extensive renovations. The Standard indicates that an extensive renovation such as a historic restoration would trigger the requirement for the Standard to be applied.

The FADS are an expression of human rights standards and the Ontario Human Rights Code does over-ride other legislation in the sense that other legislation must be applied so as to not conflict with the Code. There has to be a harmonization with heritage and accessibility such that both values are respected in a balanced manner that accommodates the needs of Ontarians with disabilities or any other affected human rights. This will require evaluation on a case-by-case basis.

##### **Response to Typical Accessibility Issues**

The most common issue facing any existing building with respect to accessibility is access to a building's main entrance. Existing entrances are typically at a higher level than the approaching walkway and are separated by steps, this makes the entrance inaccessible to people in wheelchairs and difficult to access for people using mobility assistance devices. An inclined walking surface that replaces steps is one solution. A power operated lift is another solution.



We recommend the following where existing buildings are required to provide accessible entrances:

Design exterior inclined walking surfaces with grades of 5% or less. The 5% grade is easier to negotiate than the 8.3% OBC maximum grade, and also has the benefit of not requiring that a guard assembly be installed.

# B. HCD Heritage

(Contributing and Significant) and Non-Heritage (Non-contributing) Properties

Refer to the map below for a summary of this evaluation. A full compilation of the property evaluations is available from Heritage Planning staff.



## C. Meetings

For the District Study, there were a total of four meetings: May 8, 2008, July 24, 2008, September 17, 2008 and a final public meeting hosted by Planning Committee on January 15, 2009.

For the District Plan, there were a total of four meetings: November 13, 2013, June 23, 2014, and the statutory public meeting which was held on December 1, 2014.