



City of Kingston
Information Report to Kingston Heritage Properties Committee
Report Number HP-24-006

To: Chair and Members of the Kingston Heritage Properties Committee

From: Jennifer Campbell, Commissioner, Community Services

Resource Staff: Kevin Gibbs, Director, Heritage Services

Date of Meeting: January 24, 2023

Subject: Window Policy and Guidelines

Council Strategic Plan Alignment:

Theme: Policies & by-laws

Goal: See above

Executive Summary:

This report is to update the Kingston Heritage Properties Committee on a future motion being brought to Council in early 2024 for approval of the proposed updates to the City's "Policy on Window Renovations in Heritage Buildings" (Existing Window Policy). This updated policy is titled the "City of Kingston Window Policy and Guidelines" (Updated Window Policy).

This report presents high level reasons for the proposed changes from the Existing Window Policy, which include additional clarity for applicants/homeowners when submitting a heritage permit, increased staff efficiency, requirements for the review of window conditions by qualified professionals, and to outline best practices to maintain the heritage value of protected properties.

The Existing Window Policy was approved by Council on December 18, 2012.

Recommendation:

This report is for information only.

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Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

Jennifer Campbell,
**Commissioner, Community
Services**

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

Lanie Hurdle, Chief
Administrative Officer

Consultation with the following Members of the Corporate Management Team:

| | |
|---|--------------|
| Paige Agnew, Commissioner, Growth & Development Services | Not required |
| Neil Carbone, Commissioner, Corporate Services | Not required |
| David Fell, President & CEO, Utilities Kingston | Not required |
| Peter Huigenbos, Commissioner, Major Projects & Strategic Initiatives | Not required |
| Brad Joyce, Commissioner, Infrastructure, Transportation & Emergency Services | Not required |
| Desirée Kennedy, Chief Financial Officer & City Treasurer | Not required |

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Options/Discussion:

The existing Policy on Window Renovations in Heritage Buildings (the Existing Window Policy) describes the value that Contributing Windows (previously referred to as Period Windows) make to a property's aesthetics and authenticity and ensures that alterations to Contributing Windows on protected heritage properties are minimal and sympathetic to the property. It also provides guidance on renovations or changes to Contributing Windows. The proposed "City of Kingston Window Policy and Guidelines" (Updated Window Policy) aims to build upon the Existing Window Policy by increasing clarity, standardizing the permit review process, and expanding guidance as well as best practices on windows on protected heritage properties generally.

Window Policy Updates

The Existing Window Policy has been effective in setting standards that must be met prior to removing or altering Contributing Windows. However, these policies have sometimes proven challenging for the public to interpret and have required additional staff input to appropriately implement. One goal of the proposed Updated Window Policy is to clearly detail assessment expectations such as when an assessment is required, what must be reviewed in the assessment, and the specialist qualifications required to prepare an assessment. Assessments will be considered by City staff when making recommendations to the Kingston Heritage Properties Committee and Council. The Updated Window Policy also clearly details when a qualified professional is not required, staff expectations on the design of window replacements, and requirements for the retention/restoration of related window elements. These changes should allow for additional clarity for applicants/homeowners earlier in the heritage permit process and reduce staff time commitments during the review of the associated heritage permit, while continuing to protect Contributing Windows.

Window Guidelines & Application Requirements

The Updated Window Policy provides detailed recommendations and best practices in a more accessible format than the Existing Window Policy. It provides additional guidance on compatible/incompatible windows; appropriate materials/colours/designs; window alterations to the interior of protected properties; storm windows and screens; the importance and use of shutters; and sets conditions for consolidating Contributing Windows along certain storeys or elevations. In addition, the Updated Window Policy includes a new section that details application requirements when window alterations are part of a heritage permit application. These changes should allow the public to consider best practice for windows earlier in the process, provide clarity to the general public on related window elements and their importance (i.e. shutters), and help expedite staff discussions with applicants/homeowners.

Public Engagement

To support the Updated Window Policy, Heritage Planning staff have engaged with the Heritage Properties Working Group twice since 2022. This first occurred in late 2022 by engaging in

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multiple high-level discussions and again in late 2023 by providing the draft language for review and comment. Their feedback has been reviewed and, where applicable, has been implemented into this proposed Updated Window Policy document.

Next Steps

Comments from the Heritage Properties Committee on the Updated Window Policy will be considered and incorporated as applicable. A final version will be brought to a future meeting of the Committee for recommendation to Council for approval and adoption.

Existing Policy/By-Law

The entire text of the Existing Window Policy has been included in Exhibit A.

Notice Provisions

None

Financial Considerations

None

Contacts:

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Phillip Prell, Intermediate Planner, 613-546-4291 extension 3219

Other City of Kingston Staff Consulted:

Alan McLeod, Senior Legal Counsel & Deputy City Solicitor, 613-546-4291 extension 1237

Exhibits Attached:

Exhibit A Existing "Policy on Window Renovations in Heritage Buildings"

Exhibit B Proposed "City of Kingston Window Policy and Guidelines"

POLICY ON WINDOW RENOVATIONS IN HERITAGE BUILDINGS

Approved by City Council December 18, 2012

Purpose:

The City of Kingston recognizes that Period Windows are an integral component of heritage buildings and their conservation is of great importance to the character of the City. Both original and appropriate replacement windows help define a building's character, integrity and cultural heritage value.

This policy:

- affirms the contributions that Period Windows make to a building's aesthetics and authenticity;
- ensures that inappropriate or unnecessary alterations to Period Windows on Protected Heritage Properties within the City are minimal; and
- provides guidance with regards to renovations and changes to Period Windows in older and heritage buildings within the City of Kingston.

Glossary:

"Heritage Attribute" refers to the listed features of cultural heritage value or interest of a Protected Heritage Property, as required by the *Ontario Heritage Act*, in the respective Part IV or V designation By-law or heritage easement under Parts II or IV; sometimes referred to as a Character Defining Elements or Features.

"Period Window(s)" refers to (an) original window(s) or those replacement windows that are historically and architecturally appropriate to the cultural heritage value of the building and property.

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

"Window(s)" includes any window on any storey, or portion of a floor, and refers to not only the glass (stained or otherwise), glazing pattern, frame and sash but also includes but is not limited to the window openings (sills and lintels), all mouldings, casings, muntin bars, joinery, and all hardware and other components.

Policy for Period Windows which are Heritage Attributes:

Original windows are typically well made tangible examples of the craftsmanship of the era in which they were made. Existing original windows have survived for decades, typically in their original location, and they must be conserved.

The City recognizes that a building may no longer have all of the components of its original windows but instead has older windows that relate to a particular period in its history. This may be caused, for example, when the windows have been replaced after a fire or when the building underwent a major expansion or renovation.

Period Windows may have cultural heritage value meriting retention and protection even though they are not original to the building, particularly if they are constructed of a similar material and with similar methods to the original. **Where the windows are identified as a Heritage Attribute, the City of Kingston requires the retention of Period Windows and recommends they be repaired in accordance with this policy.**

When the repair of a Period Window is necessary or if the replacement of the window is justified, as described below, all window mouldings, sill, jambs, head and brick mould and casings, etc., must be retained as far as possible. The design of all replacement components should, as closely as possible, replicate the Period Window, as supported by photographs or historic plans, so that character defining features such as the material, glazing pattern, glass, rail and stile dimensions, moulding profiles, muntin bar sizes and the joinery are retained. The use of dark or reflective glass as part of a Period Window is not appropriate.

Most Period Windows can be repaired and therefore should only be replaced as a last option. Replacement of a Period Window on a Protected Heritage Property will only be considered when the Period Window is so deteriorated that even if it was repaired very little original material would remain.

Guideline for Windows which are not Heritage Attributes on Protected Heritage Properties:

Where a window is not a Period Window on a Protected Heritage Property and is an inappropriate replacement unit that is not in keeping with the character of the building and has little or no cultural heritage value, its replacement should be considered. The replacement window should be designed to replicate a Period Window as closely as possible. The use of metal clad windows (wooden windows with metal covering) can also be considered in this situation.

Guideline for Period Windows on Non-Protected Heritage Properties:

If the Period Window is not on a Protected Heritage Property, the City of Kingston encourages owners to retain Period Windows and suggests that they be repaired in

accordance with the above-noted policy, but this cannot be required by the municipality under the Ontario Heritage Act.

Improving Thermal Efficiency in Period Windows:

Thermal efficiency of windows is an important part of improving the energy use of a building. With the use of weather stripping, caulking, storm windows, shutters and proper window maintenance, older windows can be upgraded to improve their thermal efficiency. Older windows can be upgraded to acceptable performance standards that are comparable to most modern windows, while maintaining the heritage character of the building.

<POLICY #> - CITY OF KINGSTON WINDOW POLICY AND GUIDELINES

| | |
|-----------------------|---|
| Policy # | assigned by the communications officer (web developer). |
| Effective Date | February 6, 2024 |
| Status | Final Draft |
| Final Approver | Council |

1.0 Interpretation

1.1 In this policy, unless the context requires otherwise:

“appropriately designed windows” refers to existing *windows*, or replacement *windows*, that are designed to be architecturally sympathetic and maintain the cultural heritage value of both the building and property. *Appropriately designed windows* are usually high-quality *windows* that use period appropriate construction materials to emulate the appearance/design of a *contributing window*. These *windows* are typically custom made or specifically chosen to suit the age and architecture of the building and property. While these *windows* maintain the value of the building and property, they cannot emulate the true essence of a *contributing window* due to changes in construction techniques, the lack of available appropriate materials, or their age as they are unable to reflect the physical changes resulting from decades or centuries of use (e.g. the glass has no waves, is made from commercially available instead of old growth wood, or has been appropriately retrofitted over multiple historic periods);

“conservation (or conserve/conserved/conserving)” refers to all actions or processes that are aimed at safeguarding the character defining elements of a cultural 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 (as defined in the Second Edition of the “Standards and Guidelines for the Conservation of Historic Places in Canada”);

“contributing windows” refer to original *windows* or replacement *windows* that are historically and architecturally sympathetic and contribute to the fundamental cultural value of the building and the property. *Contributing windows* are tangible examples of the craftsmanship of the era in which they were made. Generally, these are *windows* that existed at the time of construction and/or use period construction materials, such as wood, metal and glass, and techniques. A building may no longer have its original *windows*, or the *window(s)* may not have all their original components, but instead have older architecturally appropriate *windows* or have

complementary components that relate to that time. Original and suitable replacement *windows* (and their components/openings) that contribute to the heritage value of the property are considered *contributing windows* that merit retention and protection;

“incompatible windows” refer to *windows* that are not architecturally sympathetic and detract from the heritage value of the subject building and property.

Incompatible windows are usually *windows* that: appear to be of low quality; use an inappropriate material/design; are the incorrect size for the opening; are installed in an opening that has been significantly altered; are the incorrect *window* type for the opening; and may have an inappropriate colour/finish. Frequently, these *windows* are commercially available or are “off the shelf” models and are not chosen to suit the subject building and property. As *windows* are a significant component of the visual appreciation of the building and property, the installation of an *incompatible window* can negatively affect the appreciation of the building’s and the property’s cultural heritage attributes;

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

“qualified professional” includes those who are recognized in several practice areas as authorized persons or who have the necessary experience to perform specific related works. For works on heritage buildings it is recommended that these professionals be a member of the Canadian Association of Heritage Professionals (CAHP). To evaluate the condition of *windows*, the *qualified professional* will have experience/training on heritage buildings or older building styles and have an expertise in architecture, carpentry, joinery, glazing, and/or window fitting. *Qualified professionals* should be prepared to provide their curriculum vitae with associated project examples when providing their professional opinion; and

“window” includes any *window* on any storey, or portion of a storey, including transom *windows*, side lights, clerestory *windows*, attic and dormer *windows*, and refers to not only the glass (stained/tinted or otherwise), glazing pattern, frame and sash but also includes, but is not limited to, the *window* openings and its existing proportions, (sills, lintels and shutters), all mouldings, casings, muntin bars, joinery, decorative features, shutters, rail, storm *windows* (where required), all hardware, and other components. This definition also includes *windows* associated/embedded within or used as doors. Storm windows and screens are

considered separately from typical *windows* unless they contribute to the fundamental cultural value of the building and the property.

- 1.2 In this policy, “include”, “includes” and “including” indicate that the subsequent list is not exhaustive.
- 1.3 A reference to any legislation, regulation, by-law, rule, policy or provision thereof includes a reference to any legislation, regulation, by-law, rule or provision thereof enacted in substitution thereof or amendment thereof.
- 1.4 A reference to legislation includes all of the regulations made thereunder.
- 1.5 A reference to the position or title of any *City employee* includes a reference to any position or title created in substitution thereof.

2.0 Purpose

- 2.1 The purpose of this policy is to support the preservation of *contributing windows*:
 - (a) Owners of *protected heritage properties* may be required to *conserve* or alter *contributing windows* during their stewardship of the property. The following policies and guidelines are intended to provide clarity on the property owner’s responsibility to the *Ontario Heritage Act* regarding the *conservation* of *contributing windows* on *protected heritage properties*.
 - (b) *Contributing windows* are *windows* that existed at the time of construction and/or contribute to the fundamental cultural heritage value of the property. A heritage permit is required prior to undertaking works that are likely to affect the heritage attributes, such as *contributing windows*, of a *protected heritage property*.
- 2.2 How to read and use this document:
 - (a) This document outlines the policies enacted by the City of Kingston to ensure *contributing windows* are *conserved*. Where replacement is required, the policies provide direction on appropriate change. Guidelines are also included to clarify the City of Kingston’s expectations regarding the preservation of a *protected heritage property’s* cultural heritage value and to detail best practice related to *windows*.
 - (b) The Interpretation section, located at the top of this document, includes definitions of italicized terms that appear throughout this document. These terms must be read in conjunction with this document.
 - (c) Requirements for a heritage permit application to be deemed complete are also outlined in the Administrative section below for ease of submission.

This policy is to be followed when preparing heritage permit application submissions as detailed in Parts IV, V, VII & VII of the By-Law Number 2023-38 "Procedural By-Law for Heritage" as well as when submitting heritage grant applications as detailed in section 5.2 in By-Law 2018-26 "Being a By-Law to Establish a Heritage Grant Program." Please note this is not an exhaustive list and may be amended based on changes to existing or proposed legislation.

- (d) The Qualified Professional Window Assessment Checklist is located in the Appendix, at the end of this document, and must be completed and submitted when a window assessment is required.
- (e) As of the date of approval of this policy (XYZ, 2024) it replaces the "Policy on Window Renovations in Heritage Buildings" and all related references in City policy documents.

3.0 Policies

3.1 *Contributing windows* will be *conserved*:

- (a) Where a *contributing window* is present on a *protected heritage property*, the City of Kingston requires *conservation* of the *contributing window(s)*.
- (b) Repairing a *contributing window*, in accordance with this policy, is always desirable over replacement.
- (c) Replacement of a *contributing window* will only be supported if the existing *window* is deteriorated to the extent that repair would leave little original material remaining, as determined by a *qualified professional* through a window assessment.
- (d) Where a *contributing window* is considered a rare, unique, representative or early example of a style, type, expression, material or construction method it will require repair regardless of its condition.
- (e) Permanently covering existing *window* elements with cladding is not permitted.
- (f) The location of a *contributing window* on a *protected heritage property* does not reduce its inherent value or level of protection.

3.2 Where *contributing windows* require *conservation*, the following policies apply:

- (a) All *window* elements that can be repaired shall be retained and restored to the greatest extent possible.

- (b) The design of all replacement components should, as closely as possible, replicate the *window*, as supported by evidence, so that character defining features and details are *conserved*.

3.3 Where *contributing window* repair is not feasible, replacement may be permitted under the following conditions:

- (a) A replacement *window* should, in most circumstances, replicate the existing *contributing window* as closely as possible, and/or be a historically appropriate design to the age, cultural heritage value and architectural style of the building.
- (b) A replacement *window* should, in most circumstances, be made to fit into historic openings without altering the size or shape of the opening or infilling the opening to fit the *window*.

3.4 The condition of *contributing windows* must be assessed by a *qualified professional*:

- (a) When replacement is being considered, the condition of a *contributing window(s)* and the potential for repair must be assessed by a *qualified professional* to determine the appropriate scope of work.
 - (i) The assessment must assess each *contributing window* separately.
 - (ii) The assessment must focus solely on the condition and repairability of the *contributing window(s)* while considering the heritage value of the property.
 - (iii) The assessment must include the completed "Qualified Professional Window Assessment Checklist", located in the Appendix of this policy document, as the cover page.
- (b) The repair of *contributing windows* does not require an assessment by a *qualified professional*:
 - (i) Due to the material, design and/or age of *contributing windows* it is highly recommended that *window conservation* be undertaken by a *qualified professional*.
 - (ii) *Conservation* activities that result in permanent alteration are subject to this policy and will require a heritage permit.

4.0 Guidelines

4.1 *Window* replacement - Where a *window* cannot be repaired and/or is an *incompatible window*:

- (a) Replacement of *incompatible windows*:
 - (i) Where an *incompatible window* exists on a *protected heritage property* and requires replacement, an *appropriately designed window* is highly recommended.
 - (ii) *Window* styles that historically had true divided lights, may be replaced with simulated divided lights provided that the muntin bars (grills) are affixed to the exterior of the glass and visually act as true divides.
- (b) Replacement of *appropriately designed windows*:
 - (i) The replacement of *appropriately designed windows* on a *protected heritage property* is discouraged as an insufficient replacement can have a negative impact on the cultural heritage value of the property.
 - (ii) It is expected that a suitable *window* replacement (in terms of design, material, colour and function) will replace an *appropriately designed window* to maintain the heritage value of the *protected heritage property*.
- (c) Appropriate materials and colours for replacement *windows*:
 - (i) Material:
 1. Decisions on *window* material should be based on historical research as well as the age and architectural style of the building.
 - (ii) Colour:
 1. *Window* colour should be based on historical research or be architecturally suitable to the property and/or relevant Heritage Conservation District.
 2. Colour extremes, like black or bright white, are discouraged unless related to the property's architectural style.
- (d) Deviations from traditional *window* designs:

- (i) The replacement of one style of *window* with another (e.g. sash to casement) is discouraged without appropriate rationale.

4.2 Interior alterations to *contributing windows*:

- (a) Where the legal property entry for the *protected heritage property* is silent on interior features, internal modifications to *windows* that do not cause permanent damage or alteration to the historic fabric of the *contributing window* are permitted without prior approval under the *Ontario Heritage Act*.

4.3 Storm windows and screens:

- (a) In most cases, storm windows are considered seasonal fixtures that will protect the underlying *window* as well as the *protected heritage property* generally.
 - (i) Where storm windows and/or screens are permanently secured over *windows* this is considered an alteration requiring a heritage permit.
 1. Permanent storm windows and screens should have an appropriate design and should not obscure the underlying *window*.
 - (ii) Seasonal storm windows and screens should have an appropriate design and display the underlying *window*.
- (b) If storm windows are noted as having heritage value in the legal property entry, then they are considered *contributing windows* and will be subject to this policy.

4.4 Historic shutters and hardware:

- (a) Permanent installation or removal of shutters requires a heritage permit.
- (b) Existing historic wooden shutters and hardware should be repaired where possible.
- (c) Undersized shutters, and shutters made from modern materials (aluminum, vinyl, etc.) should be replaced where possible.
- (d) Where replacement is sought, wooden shutters, with sourced historic hardware, are strongly encouraged.

- (i) Replacement shutters should be designed to resemble fully functional shutters that appropriately fit over the associated *window*.

4.5 Potential for *contributing window* consolidation to *conserve* heritage value:

- (a) Some *protected heritage properties* have *contributing windows* along multiple elevations or storeys that co-exist with non-*contributing windows*. This discrepancy in *window* design/material/age can potentially draw unnecessary attention.
- (b) In limited circumstances (in consultation with a *qualified professional*) where some *contributing windows* along certain elevations or storeys require replacement while others can be repaired, the consolidation of all (or most) *contributing windows* along the most prominent elevation or storey can be considered.
 - (i) This consolidation strategy must result in the *conservation* of the *protected heritage property*.

5.0 Administration

5.1 How to apply for a heritage permit:

- (a) Most alterations to *windows* on a *protected heritage property*, including significant repairs or replacements, require prior approval under the *Ontario Heritage Act*. All such approvals (heritage permits) are submitted and processed through the City's online application system - DASH.
- (b) The requirements for a complete heritage permit application are governed by the [Ontario Heritage Act](#) and the [City of Kingston's Procedural By-law for Heritage \(2023-38\)](#) as amended from time to time. These documents should be referenced for a complete list of application requirements, which could include a written statement/assessment, drawings/plans of the proposed works and associated photographs.

5.2 For heritage permit applications regarding *windows*:

- (a) The submission must include an elevation drawing and/or picture(s) denoting which *window(s)* corresponds with the application, and an applicable assessment for the *contributing window(s)*, if required in this Window Policy.
- (b) The submission must clearly identify the historic opening(s) in which each replacement *window* will be installed and must identify each new *window's*: material(s), size, light configuration/pattern, mullion/muntin bar locations,

size and profile, glazing information, and colour prior to being deemed complete.

6.0 Application

6.1 This policy applies to all *protected heritage properties*.

7.0 Approval Authority

| Role | Position | Date Approved |
|-----------------------|-------------------------------------|---------------|
| Quality Review | Phillip Prell, Intermediate Planner | 12-8-23 |
| Subject Matter Expert | Phillip Prell, Intermediate Planner | 12-8-23 |
| Legal Review | Alan McLeod, Deputy Director | 12-19-23 |
| Management Review | Kevin Gibbs, Acting Director | 12-6-23 |
| Final Approval | | |

8.0 Revision History

| Effective Date | Revision | Description of Change |
|--------------------|----------|--|
| Date of the change | | describe the sections that have been changed, added or deleted |
| | | |
| | | |

9.0 Appendix

9.1 Qualified Professional Window Assessment Checklist.

Qualified Professional Window Assessment Checklist:

Connection to Policy & Guideline Document:

The City's Window Policy sets standards regarding the *conservation* of *contributing windows* on *protected heritage properties*. The City's Window Policy defines who is considered a *qualified professional* and assessment expectations. The City's Window Policy Guideline section details what heritage staff hope to receive when assessing *Ontario Heritage Act* applications for *windows* as well as general best practices. This checklist details City expectations for *qualified professionals* for submitted *window* assessments. This document must be read in conjunction with Interpretation section of the Window Policy.

Checklist:

Only those considerations that may impact the cultural heritage value of the *protected heritage property* will be considered. The checklist should be consulted when generating your professional opinion. Most elements, if not all, will need to be noted/described in the submitted *window* assessment. This completed checklist must be provided as a cover letter to the *qualified professional's* assessment to be considered a complete submission.

The submitted *window* assessment includes the following elements: (Please check all circles that pertain to your supplied professional opinion)

- Confirmation of *qualified professional* status as defined in the Window Policy
- Included a curriculum vitae to meet the definition of a *qualified professional*
- Confirmation of *contributing window* status for each *window*
- Confirmation that each *window* was assessed separately
- An interior review (specify for each *window* assessed)
- An exterior review (specify for each *window* assessed)
- A recent picture(s) showing the existing condition of each assessed *window*
- An estimated percentage of healthy repairable material for each *window*
- A short description, per *window*, noting its strengths/faults and conservation strategy
- An overall recommendation to repair or replace per *window*
- When necessary, a general style/form/type recommendation for each proposed replacement *window*, in alignment with the Window Policy
- Where applicable, a *window* consolidation strategy for *contributing windows* and justification (prior discussion with staff is necessary before proposing this strategy)