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CORPORATION OF THE
CITY OF KINGSTON

OFFICE OF THE
City Clerk
Our Ref. No. 25-2.14-20

CITY HALL
KINGSTON, ONTARIO
K7L 2Z3
(613) 546-4291

REGISTERED MAIL

May 20th, 1986

Ontario Heritage Foundation,
7th Floor,
77 Bloor Street, West,
TORONTO, ONT.
M7A 2R9

Dear Sir:-

RE: MARKET SQUARE HERITAGE CONSERVATION DISTRICT

We are enclosing the following By-Laws relating to the above which have now been passed by the Council of the Corporation of the City of Kingston for your records:

- (1) By-Law No. 84-172, "A By-Law Implementing the Market Square Heritage Conservation District Plan and Designating the Market Square Area of the City of Kingston as a Heritage Conservation District", which was passed by the Council of the Corporation of the City of Kingston on March 26th, 1985, and approved by Order by the Ontario Municipal Board No. M850042 dated September 5th, 1985 and signed April 28th, 1986.
- (2) By-Law No. 84-173, "A By-Law to Establish the Procedures for the Implementation of a Heritage Conservation District in the Market Square Area", which was passed by the Council of the Corporation of the City of Kingston on May 13th, 1986.

- continued page 2

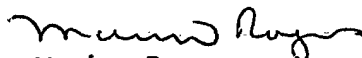
Ontario Heritage Foundation

Page 2

May 20th, 1986

- (3) By-Law No. 84-174, "A By-Law to Amend By-Law No. 8499, 'Restricted Area (Zoning) By-Law of the Corporation of the City of Kingston' (Add Special Commercial - Market Square Heritage Conservation District Zone), which was passed by the Council of the Corporation of the City of Kingston on March 26th, 1985, amended and approved by Order by the Ontario Municipal Board No. R850226 dated September 5th, 1985.
- (4) By-Law No.85-288, "A By-Law to Amend By-Law No. 84-174, 'A By-Law to Amend By-Law No. 8499, 'Restricted Area (Zoning) By-Law of the Corporation of the City of Kingston' (Add Special Commercial-Market Square Heritage Conservation District Zone)' (Revise Schedule "A")", which was passed by the Council of the Corporation of the City of Kingston on May 13th, 1986 as instructed by Order No. R850226.
- (5) Declaration of M. C. Healy, City Clerk pursuant to subsection 17 and 20 of section 34 of the Planning Act dated May 16th, 1986 in connection with the passing of By-Law No. 84-174.
- (6) By-Law No. 84-171, "A By-Law to Amend the Official Plan of the City of Kingston Planning Area (Amendment No. 17 - Market Square Heritage Conservation District)", which was passed by the Council of the Corporation of the City of Kingston on July 25th, 1984 and approved by the Ministry on December 14th, 1984.

Yours truly,


Marion Rogers,
Acting City Clerk.

*jb
enclosures

Copy to: Mr. N. Jackson, City Solicitor
Mr. R. Dobbin, Director of Planning and
Urban Renewal
Mr. C. Baldwin, Secretary, Local Architectural
Conservation Advisory Committee

BY-LAW NO. 84-172

A BY-LAW IMPLEMENTING THE MARKET SQUARE HERITAGE
CONSERVATION DISTRICT PLAN AND DESIGNATING THE MARKET
SQUARE AREA OF THE CITY OF KINGSTON AS A HERITAGE
CONSERVATION DISTRICT

PASSED: March 26, 1985

WHEREAS Section 40, Subsection 1 of the Ontario
Heritage Act, R.S.O. 1980, Chapter 337, authorizes a
municipal Council to define an area to be examined for
future designation as a heritage conservation district;

AND WHEREAS The Council of the Corporation of the City
of Kingston has passed By-Law No. 9037 defining the market
square area as an area to be examined for future
designation as a heritage conservation district;

AND WHEREAS Council has established a Local
Architectural Conservation Advisory Committee by By-Law
No. 8336, passed March 24, 1975;

AND WHEREAS the Local Architectural Conservation
Advisory Committee of the City of Kingston retained a
consultant to complete a study of the market square area;

AND WHEREAS Council has implemented the study of the
market square area so as to clearly state the intent of the
City of Kingston by way of Official Plan Amendment No. 81;

AND WHEREAS the Official Plan Amendment No. 81 has
been approved by the Minister of Housing and is now in
effect;

AND WHEREAS the Market Square Heritage Conservation
District Plan was approved and adopted by City Council on
July 3, 1984;

AND WHEREAS the Market Square Heritage Conservation
District Plan was endorsed by the Minister of Citizenship
and Culture on August 22, 1984;

AND WHEREAS Subsection (1) of Section 41 of the
Ontario Heritage Act authorizes a municipal Council to

designate any defined area of the municipality as a heritage conservation district;

AND WHEREAS the policy of the City of Kingston with respect to specifically designating the market square area as a heritage conservation district has been set out in the Official Plan Amendment No. 17 and approved by the Ministry of Municipal Affairs and Housing on December 14, 1984;

AND WHEREAS Council now proposes to implement the Market Square Heritage Conservation District Plan by this by-law and to designate the market square area as a heritage conservation district:

NOW THEREFORE the Council of the Corporation of the City of Kingston enacts as follows:

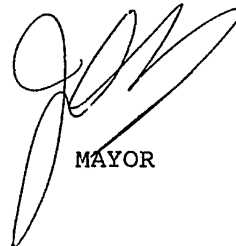
1. The Market Square Heritage Conservation District Plan appended hereto as Schedule "A" which relates to lands in the market square area of the City of Kingston, as more particularly described in Schedule "B" attached hereto, is hereby adopted and the market square area as defined in Schedule "B" hereto is hereby designated as a heritage conservation district.
2. This by-law shall come into force and take effect on its passing, subject to the approval of the Ontario Municipal Board.

GIVEN FIRST AND SECOND READINGS July 3, 1984

GIVEN THIRD READING AND FINALLY PASSED March 26, 1985



CITY CLERK



MAYOR

THE MARKET SQUARE, KINGSTON
A HERITAGE CONSERVATION DISTRICT PLAN

INTRODUCTION

In recent years the City Hall and Market Square have become the centre of a growing awareness of Kingston's heritage. While the Market Square itself has been designated individually as part of City Hall, the buildings facing the Square which contribute so much to the historical character of the area have not been protected by legislation. In order to provide this historic area the greatest possible protection for the future, designation of the Market Square as a Heritage Conservation District is recommended.

The commercial core of Kingston has retained many nineteenth century buildings, some of which have been designated already. The buildings facing the Market Square, however, form a cohesive group and represent a century and a half of Kingston's social, economic, political and architectural history. While designation of each building facing the Square would preserve its own particular character, individual designation cannot protect the Square from unsympathetic development in the future. The historic quality of the Market Square can be preserved and enhanced by preventing as far as possible needless demolition, unsightly alteration or addition, and new construction not in keeping with the distinctive character of the area.

The recommendation to designate the Market Square as a Heritage Conservation District and the accompanying

guidelines are based on "The Market Square, Kingston - A Heritage Conservation District Study", prepared for the City of Kingston in 1978 by Lily Inglis and Harold Kalman, as suggested under Part V of the Ontario Heritage Act, 1974.

The Market Square itself, City Hall and the Prince George Hotel have already been designated under Part IV of the Ontario Heritage Act and as such cannot be included within the Heritage Conservation District. However, since City Hall and the Market Square will be the focal point of the Market Square Heritage Conservation District and since the Prince George Hotel is an integral part of the buildings facing the Market Square, the Part IV designation will be rescinded so that these properties may be included within the Heritage Conservation District.

OBJECTIVES

To preserve and enhance the historical and architectural character of the Market Square by:

1. Designating the Market Square as a Heritage Conservation District under Part V of the Ontario Heritage Act, R.S.O. 1980, Chapter 337.
2. Ensuring that alterations, additions, renovations to any property within the District maintain the character of the building and enhance the overall character of the Square.
3. Ensuring that the design and construction of new buildings within the District are compatible with the character of the Square.
4. Ensuring the use of signage, landscaping and street furniture is compatible with the character of the individual building and of the Square in general.
5. Ensuring land uses which are compatible with the role of the Market Square as a commercial area and with the existing heritage structures.

It is hoped that the guidelines which follow will be flexible enough to allow innovative alteration or new construction while maintaining the historical and architectural character of the Market Square of which Kingstonians are justly proud.

1. DESIGNATION

(i) It is recommended that the area defined by By-Law No. 9037, "A By-Law to Define the Market Square Area as an Area to be Studied for Possible Future Designation as a Heritage Conservation District Under Section 40(1) of The Ontario Heritage Act, 1974" be designated a Heritage Conservation District under Part V - Section 41 of the Ontario Heritage Act. This area shall include those sites designated by By-Laws No. 8497 and 8654 under Part IV of the Ontario Heritage Act, 1974 (City Hall and the Prince George Hotel), as it is the City's intent to rescind the Part IV designation in order to incorporate these properties in the proposed Market Square Heritage Conservation District. (See Appendix 'A').

(ii) Within a designated heritage conservation district, any property owner who wants to erect, demolish, remove or alter the exterior portions of any building or structure must apply for and receive a permit from Council. It is recommended that applications be referred to the Local Architectural Conservation Advisory Committee for a recommendation to Council in accordance with the guidelines in Section 2 following.

2. GENERAL GUIDELINES FOR THE REHABILITATION OF EXISTING BUILDINGS AND FOR NEW CONSTRUCTION

(i) Guidelines for the rehabilitation of existing buildings

Any exterior alterations including additions should be in conformity with the general character, scale and height of the buildings around the Market Square and should follow the provisions in Appendix 'B'.

(ii) Guidelines for new construction

Because the buildings of the Market Square reflect the styles of many periods, new construction including building additions need not try to copy the style of any past age. New buildings however, must be compatible with the existing historic buildings in scale, height, massing, materials, fenestration and detailing. The new building must conform to the restrictions defined in Appendix 'B'.

(iii) Design Standards

All applications for permits for construction (including conversion) and exterior alterations should be subject to Site Plan Control. (Section 40 of the Planning Act, 1983).

3. LAND USE AND ZONING

(i) Land Use

It is recommended that the buildings around the Market Square continue the present commercial office and residential uses and that the present Market Square continue to be used as a market.

(ii) Zoning

The Heritage Conservation District should be zoned under a new classification to be called "SC" (Special Commercial). This new zone is described in the attached Appendix 'B'.

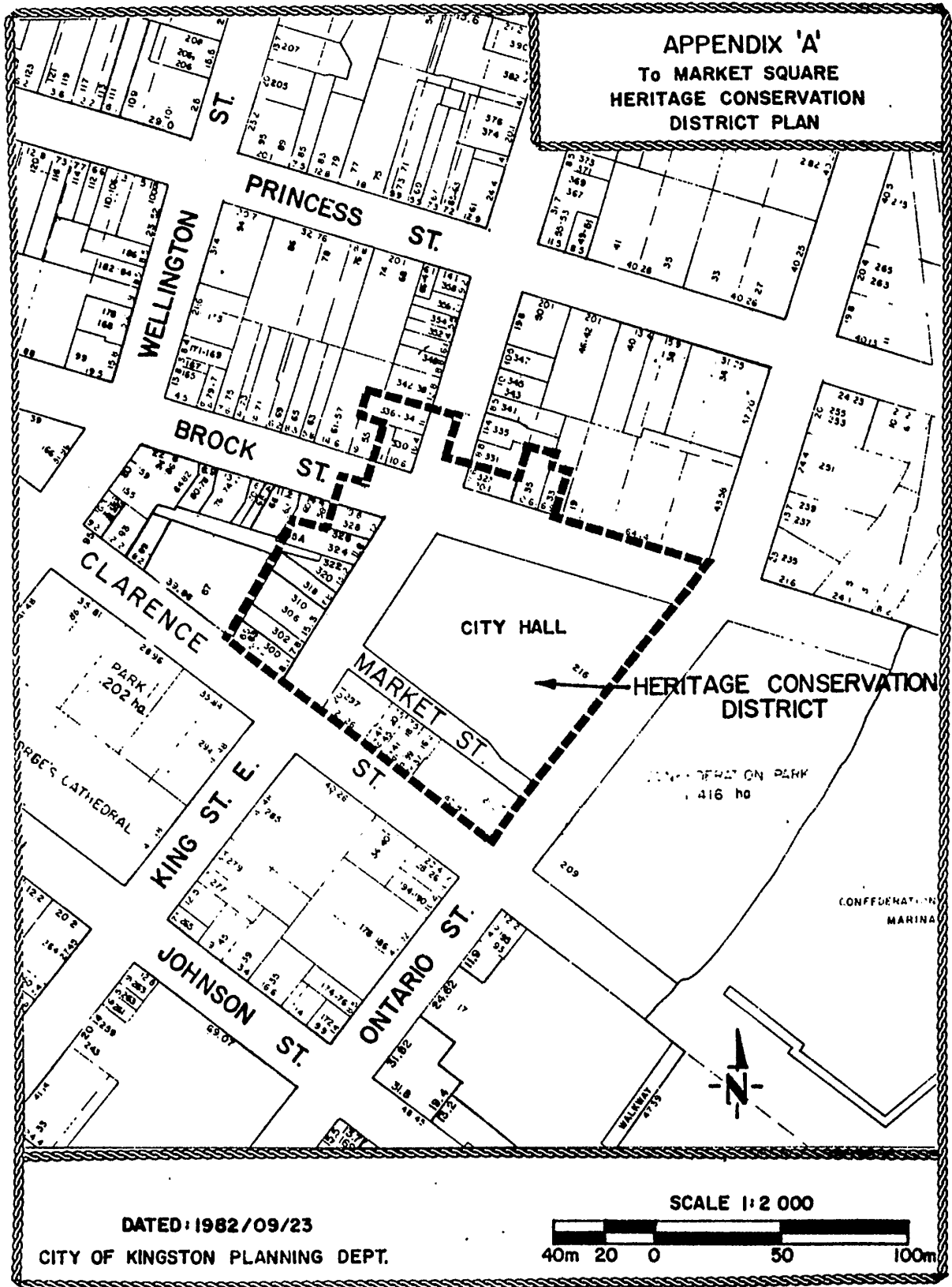
4. SIGNS

The erection of signs in the Market Square area shall be under the City Sign By-Law No. 2958 as it applies to designated buildings and buildings in heritage conservation districts.

5. LANDSCAPING, PAVING, STREET FURNITURE AND LIGHTING

It is recommended that the City Parks and Recreation Department develop a plan in co-operation with the Local Architectural Conservation Advisory Committee to enhance the Market Square by a combination of landscaping, paving, improving street facilities and utilities.

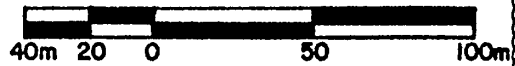
APPENDIX 'A'
To MARKET SQUARE
HERITAGE CONSERVATION
DISTRICT PLAN



DATED: 1982/09/23

CITY OF KINGSTON PLANNING DEPT.

SCALE 1:2 000



MARKET SQUARE

HERITAGE CONSERVATION DISTRICT PLAN

Tentative Zoning Recommendations

1. Amend zoning map no. 31 so as to rezone the five parcels of land located on Market Street, King Street East, Brock Street and Ontario Street, as shown on a copy of zoning map no. 31 attached hereto as Schedule 'A', from Zone C (Central Business District and Upper Princess Street) Commercial to Zone SC (Special Commercial - Market Square Heritage Conservation District) Commercial.
2. Add the following section as Section 20A:
Section 20A: General Provisions for the Commercial Uses Zone "SC" (Special Commercial - Market Square Heritage Conservation District)

 - 20A.1 Subject to compliance with the provisions of Section 5, the following provisions shall apply in SC Zones:
 - 20A.2 The following uses only shall be permitted in SC Zones:
 - (a) outdoor markets,
 - (b) libraries, art galleries and museums,
 - (c) churches, community halls and parish halls,
 - (d) community centres,
 - (e) lay or religious fraternity houses or boarding houses where occupied by students, used exclusively for the purpose of habitation or congregational meetings and supervised by the authorities of a public educational institution,
 - (f) fraternal organizations or similar institutions of public character,
 - (g) boarding houses and rooming houses,
 - (h) multiple family dwellings,
 - (i) retail stores or shops (except for a retail store primarily selling food with a total retail floor area in excess of 275.0 m² and except for drive-in restaurants),
 - (j) offices for or in connection with businesses or professions,
 - (k) banks,
 - (l) hotels,
 - (m) offices for printing and publishing,
 - (n) restaurants,

- (o) senior citizen apartments,
- (p) theatres,
- (q) bowling alleys, pool and billiard halls,
- (r) artisan's workshops,

- (s) laundries and dry cleaners (provided that the cleaning operation takes place upon the same premises as an associated pick-up and delivery agency),
- (t) bakeries (provided that the food products prepared on the premises are retailed directly from the same premises,)
- (u) group homes,
- (v) enclosed parking structures,
- (w) accessory buildings to any use permitted in the SC Zone.

20A.3 The following regulations shall apply to lands, buildings or structures erected in SC Zones:

(a) Height

- i. The height of existing buildings shall not be increased.
- ii. The building height of any new building which is replacing a damaged building shall be the same as the height of the original building.
- iii. The maximum building height of any new building, other than those referred to in Section 20A.3 (a) ii above, shall not be greater than the highest building within the same block and which is zoned SC.
- iv. For buildings located on corner lots the top of the highest projection along the facade shall not exceed 0.5 m above the highest parapet line on a building which is within the same block and which is zoned SC.
- v. For buildings located on interior lots the top of the highest projection along the facade shall not exceed 0.5 m above the higher parapet line of the two adjacent buildings.
- vi. For buildings with a flat roof the roof line shall be lower than the parapet.
- vii. The tower of the Prince George Hotel shall not be defined as a parapet or a roof.

viii. For purposes of this Section:

"FACADE" shall mean an exterior wall facing a street.

"PARAPET" shall mean a low protective wall on a balcony or above the cornice of a building.

"BUILDING HEIGHT" shall mean the vertical distance measured from the average finished grade to the highest point of the roof or to the top of the highest parapet in the case of a flat roof.

"CORNICE" shall mean any exterior horizontal projection or ornamental moulding along the top of a building, wall, arch, column, etc.

(b) Minimum Front Yard, Side Yard and Rear Yard And Maximum Percentage of Lot Coverage

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

ii. The maximum lot coverage for all permitted uses shall be 100 per cent except where buildings previously erected have established a front yard, the building to be erected shall have a front yard of an equal depth. Where previously erected buildings with established front yards are adjacent to both sides of a building to be erected, the minimum required front yard shall be the average of the front yards of the two adjacent previously erected buildings.

(c) Inner Courts

i. For multiple family dwellings and senior citizen apartments the least horizontal dimension of any inner court shall not be less than the height of such court.

ii. For all other uses the least horizontal dimension of any inner court shall not be less than one-half the height of such court..

(d) Outer Courts

i. For multiple family dwellings and senior citizen apartments the least horizontal dimension of any outer court shall not be less than the height of such court.

ii. For all other uses the width of any outer court shall not be less than one-third of the height of such court, provided that it need not exceed the length; nor shall the length of the side walls forming such court be more than the height of such walls.

(e) Air Wells

The cross-sectional area of any air well shall not be less than 9.0 m². When an air well is in excess of two storeys in height, this area shall be increased throughout by ten per cent for each storey above the second. Any air well shall be ventilated at its lowest level by a free air inlet and at its extreme height by a free air outlet, each of which shall have a minimum free cross-sectional area equivalent to ten per cent of the minimum cross-sectional area of the well, and shall be installed in such a manner as to ensure a free and continuous current of air.

(f) Parking.

(i) Off-street vehicle parking facilities shall be provided as follows:

Residential

0.75 parking space per dwelling unit shall be provided within a radius of 137 m of the main entrance to the dwelling.

Non-Residential

There shall be no off-street parking requirements.

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

(iii) No parking shall be permitted less than 1.5 m from any adjacent residential premises.

(iv) Where an off-street parking lot is adjacent to residential premises it shall be screened by a wall, fence or hedge not less than 1.4 m high.

(v) On any existing off-street parking lot no commercial business involving the repair of or service to vehicles shall be permitted thereon, nor the sale or display thereof shall be conducted from or upon such premises.

(g) Loading Areas

As per Section 5.4 of this by-law.

(h) Maximum Density

123 dwelling units per net ha.

(i) Play Space and Amenity Areas

As per Section 5.27 of this by-law.

(j) Conversion of Existing Buildings

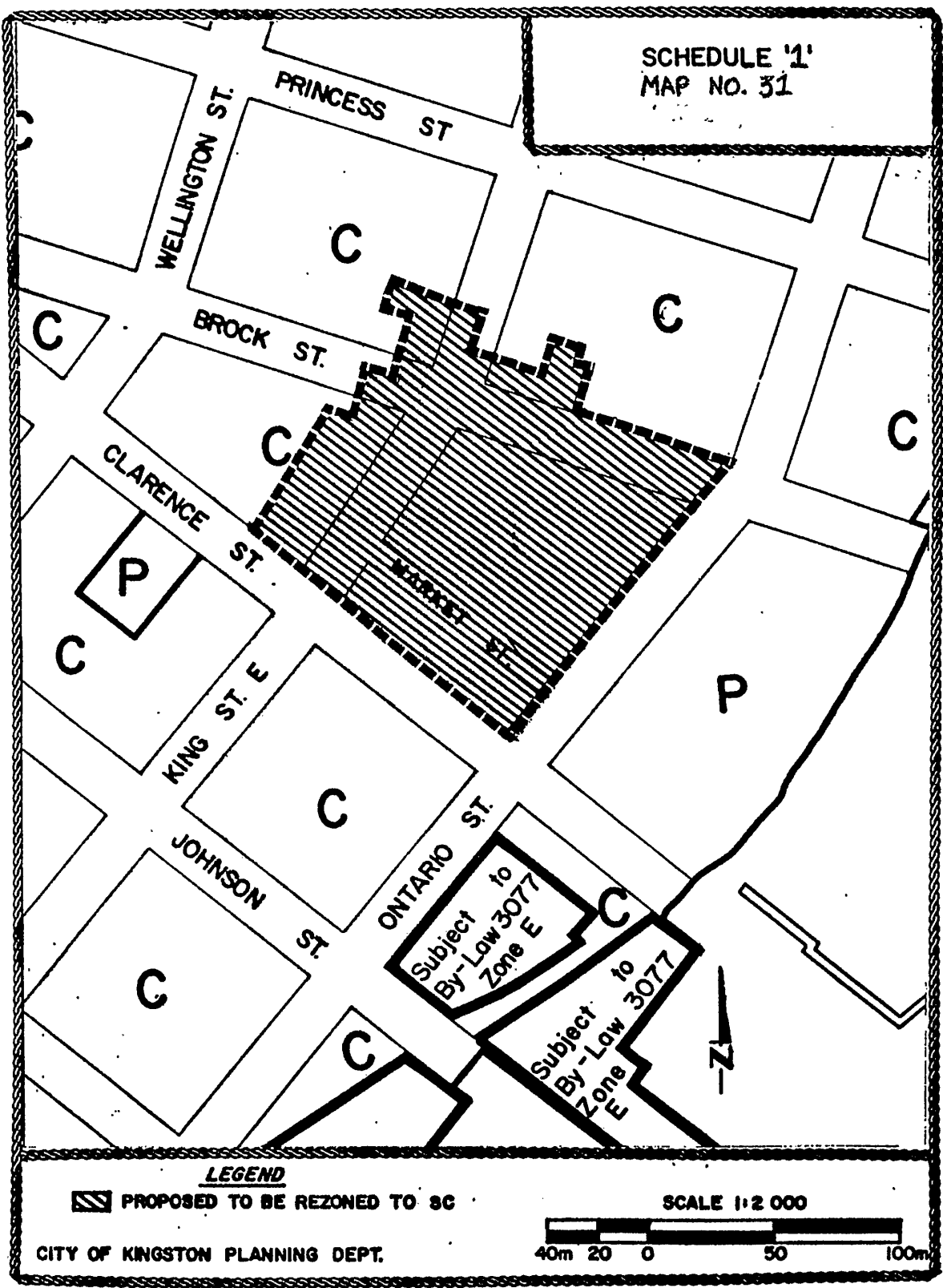
Notwithstanding anything to the contrary contained within this by-law, any building erected on or before the date of approval of this by-law and located in the SC Zone, may be converted in such a manner as to contain one or more dwelling units subject to the regulations of the SC Zone as set out in Section 20A.3 of this by-law provided that:

(i) all such dwelling units are located in or above the second storey (exclusive of the basement or cellar),

(ii) there is no expansion or enlargement of the external walls or roof of the existing building,

and save and except that there shall be no regulations regarding Minimum Front Yards, Side Yards, Rear Yards and Maximum Percentage of Lot Coverage.

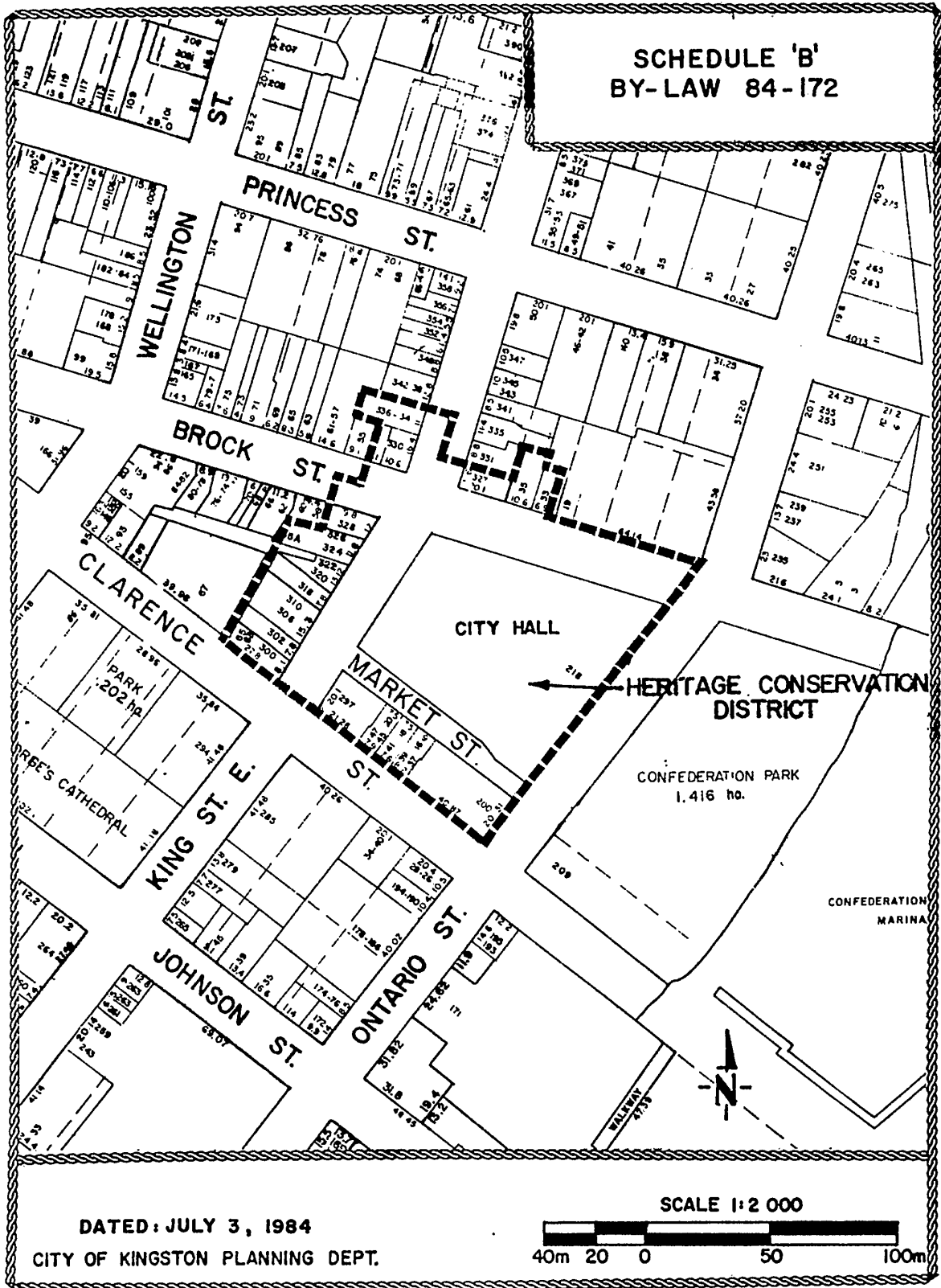
SCHEDULE '1'
MAP NO. 31



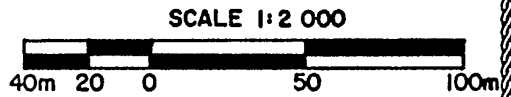
LEGEND
[Hatched Box] PROPOSED TO BE REZONED TO SC
CITY OF KINGSTON PLANNING DEPT.

SCALE 1:2 000
40m 20 0 50 100m

**SCHEDULE 'B'
BY-LAW 84-172**



DATED: JULY 3, 1984
CITY OF KINGSTON PLANNING DEPT.





Ontario Municipal Board

IN THE MATTER OF Section 41(1) of
The Ontario Heritage Act (R.S.O.
1980, c. 337)

AND IN THE MATTER OF an application
by The Corporation of the City of
Kingston for approval of By-law
No. 84-172, "A By-law implementing
the Market Square Heritage
Conservation District Plan and
Designating the Market Square of
the City of Kingston as a Heritage
Conservation District" as shown on
Schedule "A" attached hereto

B E F O R E :

D.M. ROGERS
Member

) Thursday, the 5th day
)
) of September, 1985

UPON APPLICATION by The Corporation of the City of Kingston
and it appearing that proper notice of hearing had been given
and all objections having been considered and rejected or
withdrawn;

THE BOARD ORDERS that this application is hereby granted
and By-law 84-172, "A By-law Implementing the Market Square
Heritage Conservation District Plan and designating the
Market Square of the City of Kingston as a Heritage
Conservation District", as shown on Schedule "A" attached
hereto, is hereby approved.

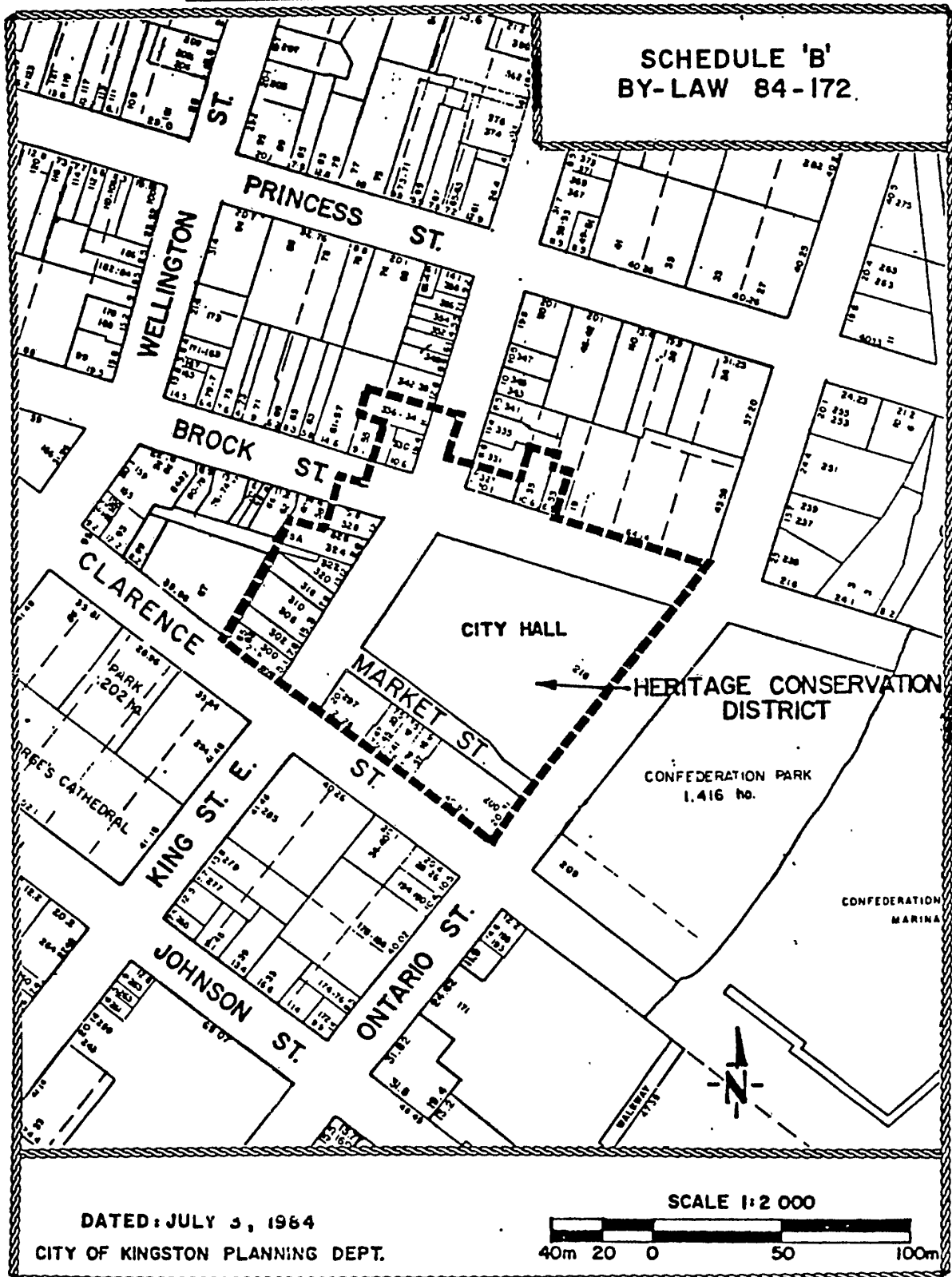
ORDER signed this 28th day of April, 1986.

SECRETARY

ENTERED
O. B. No. 1785-1
Folio 87
APR 28 1986
SECRETARY, ONTARIO MUNICIPAL BOARD

SCHEDULE "A"

to the order of the Ontario Municipal Board
signed this 28th day of April, 1986.



S. J. McFarlane
SECRETARY