

WHAT TO LOOK WHEN A DEVELOPMENT PROJECT IN YOUR NEIGHBOURHOOD IS PROPOSED

Under the City of Nairobi zoning system, Karen and Langata is “*a low density residential area.*” This means that the predominant land use in the area is for single dwelling residential dwellings. In 2005, in association with the Department of Physical Planning of the Ministry of Lands and the then City Council (now County Government) KLDA formulated the Local Physical Development Plan (LPDP) which refined the zoning and land use plan in Karen and Langata. The zoning regulations and the LPDP are supported by the Building Code which defines the structure and characteristics of the buildings that may be put up.

On the basis of the zoning regulations and the Building Code permitted use of the land should conform to the following characteristics:

- **Plot size:** The permitted minimum plot size ranges between one acre in parts of Karen and Langata and half acre in other parts of Karen and Langata. A sub-division below one acre or half acre is not permitted.
- **Residential use:** The predominant permitted use is residential use. The land title will specify that the plot is for residential use. In certain cases however other kinds of use may be permitted in specific areas specifically zoned for non-residential use. Karen and Langata is not zoned for agricultural, livestock or industrial use and therefore these kinds of activities should not be carried on in the area.

The non-residential uses which may be permitted in specific areas are:

- Institutional use – i.e. for school, religious institutions, hospitals, etc)
- Commercial use: for shops (including malls), hotels and restaurants, entertainment places; garages, motor show rooms, offices etc.
- **Commercial use:** Under the LPDP use of land in Karen and Langata for commercial purposes is only permitted within the commercial zone – which is the Karen Triangle. In all cases before land which is zoned for residential use can be used for commercial purposes a change of use must be applied for and obtained from the County Government. The law requires that the application for change of use is advertised in the newspaper and by placing a board on the land to allow members of the public to comment on the application. KLDA does not support any commercial developments outside of the zone which the LPDP has designated for commercial development.
- **Single residential dwelling:** The dwelling should be designed to house not more than one family on a single plot: multi-dwelling units are not permitted. Multi-dwelling units are units housing more than one family within the same plot. City by-laws however allow

a guest house or servants quarters within the same plot in addition to the main dwelling house. Therefore apartments, flats and other kinds of multi-dwelling units are not permitted.

- **Height of the building:** The permitted height of the structure for a residential house should not exceed two floors, meaning ground floor plus one.
- **Ratio of plot to be developed:** There are also rules which limit how much of the plot size may be occupied by the building. Therefore the structure should not occupy more than the plot ratio permitted for the building. This allows all the activities relating to the dwelling to be carried on inside the compound. The Building Code provides the details of plot ratio.
- **Process for development permission:** The rules require that when proposing to carry out a development the project proponents must:
 - Notify the area residents either in writing, through an advertisement in the media and placing sign boards on the plot.
 - If the proposed use is not residential apply for a change or extension of user unless the change of use permission had been granted earlier
 - Provide information and documents to the residents in particular: change from Nairobi City County if required, environmental impact assessment licence if available; architectural drawings and other relevant information.
 - Hold a consultative stakeholder meeting on planning and environmental issues with the residents to collect views. Residents Associations should take part in these meetings, record the proceedings and communicate their decisions to KLDA.
 - Adjust the proposed development to incorporate stakeholder comments.

It should be noted that:

- A project proponent is not allowed to begin any works or even deliver materials to the site before the process has been completed.
 - Even residential developments **must** have a signboard on the site throughout the construction period.
- **Permits required:** The Physical Planning Act, Chapter 286, Building Code and Environmental management and Coordination Act, 1999 set out the permits required before a development can be implemented. These are:
 - Planning approval for the category of use proposed. This is obtained from the County Government.
 - Approval of building plans from the County Government
 - Environmental Impact Assessment Licence from the National Environmental Authority.
 - A “no-objection” from KLDA. KLDA is currently in discussions with the County Government with the objective of putting in place a system under which before the development proceeds a “no-objection” from KLDA would be sought by developers.

- **Nuisance and associated activities:** The dwelling should not be used in such a manner that it causes a nuisance or inconvenience to neighbours. For example:
 - Cars belonging to the family must be parked inside the compound, and not on the road outside.
 - Waste water and sewage must be disposed of to a septic tank or similar facility inside the compound and not into the drains.
 - Rubbish should not be burned at all and certainly not outside the compound and if burnt outside the gate.

- **What to do when you see a proposed development:**
 - Seek to know from the developer the nature of the development proposed.
 - Hold a meeting with the neighbourhood association members to solicit their views
 - Inform the KLDA office
 - Mobilise your members to participate in stakeholder consultation meetings.
 - If the development is illegal and KLDA decides to take court action, mobilise your members to contribute towards the legal costs.