

GOVERNMENT OF NAIROBI CITY COUNTY

Paper laid by
Hon. Alvin Patapata
on 16/06/2026



THE NAIROBI CITY COUNTY ASSEMBLY

OFFICE OF THE CLERK

THIRD ASSEMBLY

(FIFTH SESSION)

NCCA/TJ/PL/2026(77)

16TH JUNE 2026

PAPER LAID

SUBJECT: REPORT OF COMMITTEE

Pursuant to the provisions of Standing Order 196 (6) and 151A (5), I beg to lay the following Paper on the Table of the Assembly, today, ~~Thursday~~ ^{Tuesday}, 16th June, 2026

— THE REPORT OF THE SECTORAL COMMITTEE ON LANDS, PLANNING AND HOUSING ON CONSIDERATION OF SESSIONAL PAPER NO. 1 OF 2023 ON NAIROBI CITY COUNTY DEVELOPMENT CONTROL POLICY.

(Chairperson, Sectoral Committee on Lands, Planning & Housing)

Copies to:
The Speaker
The Clerk
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GOVERNMENT OF NAIROBI CITY COUNTY



THE NAIROBI CITY COUNTY ASSEMBLY

THIRD ASSEMBLY
(FIFTH SESSION)



NOTICE OF MOTION

Subject: Adoption of Committee Report

Hon. Speaker, I beg to give notice of the following motion:-

- THAT, this Assembly adopts THE REPORT OF THE SECTORAL COMMITTEE ON LANDS, PLANNING AND HOUSING ON CONSIDERATION OF SESSIONAL PAPER NO. 1 OF 2023 ON NAIROBI CITY COUNTY DEVELOPMENT CONTROL POLICY, laid on the Table of the Assembly today, ~~Thursday~~ ^{Tuesday}, 16th June, 2026.

(Chairperson, Sectoral Committee on Lands, Planning and Housing)

COUNTY GOVERNMENT OF NAIROBI CITY



NAIROBI CITY COUNTY ASSEMBLY

(THIRD ASSEMBLY – FIFTH SESSION)

Report of the Sectoral Committee on Lands, Planning and Housing

on

The Consideration of the Sessional Paper No. 1 of 2023 on
the Nairobi City County Development Control Policy

The Clerk's Chambers



June 2026

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1.1 PREFACE

1.1.1 Committee mandate

The Sectoral Committee on Lands, Planning and Housing is established pursuant to Standing Order 203, and its mandate, amongst others, as outlined under Standing Order 203 (6) is to: -

- a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
- b) study the programme and Policy objectives of departments and the effectiveness of the implementation;
- c) study and review all County legislation referred to it;
- d) study, assess and analyse the relative success of the departments as measured by the results obtained as compared with its stated objectives;
- e) investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;
- f) vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 185(Committee on Appointments): and
- g) Make reports and recommendations to the County Assembly as often as possible, including recommendations of proposed legislation.

The Committee exercises oversight role on the work and administration of the following sub-sectors; -

- (i) Lands;
- (ii) Urban Planning; and
- (iii) Urban Renewal and Housing.

In accordance with the third Schedule of the Standing Orders, the Committee is mandated to consider all matters relating to: - “*County Planning and Development, including statistics, land survey and mapping, boundaries and fencing, housing and outdoor advertisement*”

1.1.2 Committee Membership

The Committee comprises the following Members:-

1. Hon. Alvin Palapala, MCA - Chairperson
2. Hon. Collins Ogenga, MCA - Vice-Chairperson
3. Hon. Peter Imwatok, MCA
4. Hon. Antony Kiragu, MCA
5. Hon. Paul Kados, MCA
6. Hon. Waithera Chege, MCA

7. Hon. Geoffrey Majiwa, MCA
8. Hon. Fuad Hussein, MCA
9. Hon. Hashim Kamau, MCA
10. Hon. Paul Ndung'u, MCA
11. Hon. Nasra Nanda, MCA
12. Hon. Hannah Wanjiru Muriuki, MCA
13. Hon. Nyantika Ricardo, MCA
14. Hon. Lily Akoth Kidenda, MCA
15. Hon. Jane Wanjiru, MCA
16. Hon. Nicholas Juma, MCA
17. Hon. Peter Maina, MCA
18. Hon. Clement Kamaru, MCA
19. Hon. Francis Kimondo, MCA
20. Hon. Patrick Macharia, MCA
21. Hon. Tricer Jeptoo, MCA
22. Hon. Martin Wairobi, MCA
23. Hon. Thuo Fiunifiu, MCA

Secretariat

1. Mr. Austin Inyundele : Senior Clerk Assistant
2. Ms. Rebecca Mbwa : Second Clerk Assistant
3. Ms. Flora Savai : Legal Counsel
4. Ms. Caroline Kawira : Hansard Reporter
5. Mr. Titus Kitetu : Researcher

1.2 EXECUTIVE SUMMARY

The Sessional Paper No. 1 of 2023 was tabled in the Assembly on 6th June 2023 and committed to the Sectoral Committee on Lands, Planning and Housing. Pursuant to Article 196 of the Constitution of Kenya, it was subjected to public participation on 8th August 2023. Having not met the threshold, the draft policy was subjected to a second public participation that was held from 18th to 20th February 2025. The Committee sought to revise the policy based on the feedback received from the stakeholders.

In considering and reviewing the draft Development Control Policy, the Committee sought to produce the policy that contains the following:

1. **The historical realities of Nairobi City:** The recent history of Development Control Policy covers nearly two decades beginning with the Nairobi City Development Ordinances and Zones that was put in place in 2006. This document has served as the City's primary framework to guide land-use decisions, density management and built environment regulation. Over time, Nairobi's urban landscape evolved rapidly marked by increased development pressure, emerging mobility patterns, infrastructure strain and new regulatory demands that justifies this review;
2. **Purpose:** The Policy seeks to ensure that all developments are planned, implemented, and managed in a coordinated, equitable, and sustainable manner in accordance with the Physical and Land Use Planning Act, 2019 and other relevant legal and institutional frameworks;
3. **Objectives:** To facilitate private sector participation in the investment in transforming Nairobi into a modern livable and sustainable City with a high quality of life for all residents; to sustainably guide and regulate development in Nairobi for the next 10 years; and to review and update the development control guidelines for effective urban management of developments within the Nairobi City;
4. **Policy framework:** anchored on and guided by Vision 2030, National Land Use Policy, National Land Policy, Nairobi Urban Integrated Development Master Plan (NIUPLAN);
5. **The legal framework:** based on the Constitution of Kenya, 2010; County Governments Act, 2012; Physical and Land Use Planning Act, 2019; Urban Areas and Cities Act, 2011; Nairobi City County Community and Neighbourhood Associations Engagement Act, 2016; Land Act, 2012; Land Registration Act, 2012, National Land Commission Act, 2012 amongst others;
6. **Institutional framework:** consisting of Nairobi City County Government, Ministry of Lands and Physical Planning, National Environment Management Authority, Kenya Civil Aviation Authority; and Physical and Land Use Planning Consultative Forum;
7. **Policy interventions on:**
 - i. Institutional governance and reforms;
 - ii. Zoning, land use and urban form;
 - iii. Planning gain and development contributions;

- iv. Air rights and transferable development rights;
 - v. Sustainable and resilient development;
 - vi. Public participation and transparency;
 - vii. Recognition and collaboration framework with resident associations;
 - viii. Implementation framework consisting of institutional framework, application for development permission, Development Impact Fee (DIF) & Nairobi Urban Infrastructure Reinvestment Fund (NUIRF), implementation framework, framework for demanding surrender of land within Nairobi City County Government, legal and policy instrument development and infrastructure development;
 - ix. Monitoring and evaluation; and
 - x. Tenure and review of the policy.
8. Annexures to include Nairobi City County Zonal maps and the Nairobi City County Property Matrix; and
9. In light of the foregoing provisions, Constitutional and statutory provisions and pursuant to its mandate, the Committee has recommended that:
- i. The Nairobi City County Assembly approves the revised Sessional Paper No. 1 of 2023 on Nairobi City County Development Control Policy and its re-designation as Nairobi City County Development Control Policy, 2026;
 - ii. The Nairobi City County Assembly approves that the revised Policy come into force upon publication in the *Kenya Gazette* by the County Executive Committee Member for Built Environment and Urban Development, provided that such publication occurs within 21 days of the Assembly's approval and transmittal of its resolutions;
 - iii. The Nairobi City County Government, subject to annual budget cycles, and in collaboration with the National Government and development partners, to continuously and progressively rehabilitate, upgrade, extend and develop critical infrastructure systems, including sewer, roads, drainage; and enhance water provision and solid waste management; and
 - iv. Pursuant to the provisions of the Physical and Land Use Planning Act, 2019 and the Nairobi Integrated Urban Development Master Plan (NIUPLAN), the Nairobi City County to develop local physical and land use plans covering all the 15 zones.

1.3 ACKNOWLEDGEMENTS

Hon. Speaker,

I am grateful to the Members of the Committee who committed their time to scrutinize the Sessional Paper. Special thanks to the Office of the Speaker, Office of the Clerk and the Committee secretariat for their immense support in the course of considering the Policy. The Committee also extends immense appreciation to the County Executive, more so, the County Executive Committee Member, the relevant Chief Officer and officers in the Built Environment and Urban Development Sector for initiating the formulation of the Policy. May also recognize the invaluable contribution of all stakeholders including professional bodies, developers & contractors and the general public for enabling the Committee to benefit from their wealth of information and expertise while considering the Policy.

On behalf of the Committee, it is now my honour, pleasure and privilege to present this Report on the consideration of the Sessional Paper No.1 of 2023 on the Nairobi City County Development Control Policy.

Thank You.

 DATE 10th / 6 / 2026

SIGNED..... DATE.....

Hon. Alvin Olando Palapala, MCA

Chairperson, Sectoral Committee on Lands, Planning and Housing.

ACCRONYMS

DIF	Development Impact Fund
KCAA	Kenya Civil Aviation Authority
KURA	Kenya Urban Roads Authority
NaMATA	Nairobi Metropolitan Area Transport Authority
NCCG	Nairobi City County Government
NIUPLAN	Nairobi Integrated Urban Development Master Plan
NPDMS	Nairobi Planning and Development Management System
NTSA	National Transport Safety Authority
NUIRF	The Nairobi Urban Infrastructure Reinvestment Fund
UPTC	Urban Planning Technical Committee

2.1 BACKGROUND

2.1.1 Introduction

The City of Nairobi like other cities in the developing world is experiencing rapid urbanization. This has resulted to the City's change shaped by several factors including economic, social, spatial, cultural, political, environmental and institutional factors. The growth and expansion of the City has also resulted in development challenges due to the pressure exerted on services and infrastructure that require to be effectively managed in order to ensure the City continues to play its respective role as the key driver of economic growth and sustainable development. The urbanization challenges currently being faced in the City include unplanned and uncoordinated urban growth, inadequate infrastructure, deterioration of the urban environment and increasing poverty.

It is worth noting that Currently, Nairobi City does not have a comprehensive integrated urban development plan. Past growth management frameworks for the City include the Metropolitan Growth Strategy of 1973, which expired in the year 2000. Its expiry underscored the urgency of the preparation of the Strategic Structure Plan to guide the overall development of the City. In 2013, the Nairobi Integrated Urban Development Master Plan (NIUPLAN) was prepared to guide the City's response to development challenges facing Nairobi's for 16years that is 2014/2030.

Therefore, due to lack of an updated policy, the County has processed applications using discretion, practice, precedence, planning justifications advanced by the developers, architects and engineers. The Physical and Land Use Planning Act, 2019 provides for formulation and revision of policies every 5-10 years. This is the premise upon which this development control policy is being revised.

2.1.2 Formulation, submission and tabling of the Policy document

It is on the basis of the foregoing background that the Sessional Paper No.1 of 2023 on the Nairobi City County Development Control Policy was formulated by the County Executive and submitted to the County Assembly for consideration and approval. Accordingly, the Policy was tabled in the Assembly on 6th June 2023 for approval in accordance with Section 8(1) (e) of the County Governments Act, 2012.

2.1.3 Transmission to the Committee

The Sessional paper was thereafter committed to the Sectoral Committee on Lands, Planning and Housing for scrutiny, public participation and reporting to the Assembly.

2.1.4 Public participation

Pursuant to Article 196(1) (b) of the Constitution which provides that:

“a County Assembly shall facilitate public participation and involvement in the legislative and other business of the Assembly and its Committees”; The Assembly placed adverts in the dailies of inviting the public to a public participation event on **10th August 2023** on Nairobi City County Development Control Policy.

Consequently, the Committee was expected to compile a report to the County Assembly for consideration. However, upon deliberations, it was determined that the public participation event failed to meet the Constitutional threshold and fell short of qualitative and quantitative criteria as set by Courts in other similar matters that required public participation. Therefore, given the significance of the Development Control Policy to the sustainable development and planning of Nairobi as a Capital City and in order to comply with relevant anchor policies and laws, it was held that there was need for a more comprehensive and robust stakeholder engagement and participation process. This informed the conduct of a second public participation.

2.1.5 The Second Public Participation

The Committee, through the Office of the Clerk, prepared for and conducted a second public participation that was held on **18th, 19th and 20th February 2025**. The event was held for three days in a segmented approach in order to obtain optimal and comprehensive submissions from professional, registered developers & contractors and the general public. It was determined that the following issues, which were distilled from the engagement contributed to the defectiveness of the tabled draft policy:

1. There was lack of comprehensive technical and professional stakeholder participation during the Policy formulation stage which required a multi-sectoral approach;
2. The document did not take into account the elasticity of Nairobi City County with a vision of future expansion;
3. The County Executive failed to conduct public participation on the draft policy before forwarding to the Assembly for approval as required under the Physical and Land Use Planning Act;
4. The population projection of Nairobi as captured in the policy by 2030 is unrealistic. This means the policy provisions do not mirror the realistic population of about 8-10 million;
5. NIUPLAN and Physical and Land Use Act, 2019 were not complied with on development of local plans (District and Neighborhood plans) before formulation of the Development Control Policy;
6. The Zoning matrix did not meet the standards and threshold to guide the City in the long term;
7. There was need for the Department of Planning to be adequately resourced since developing a comprehensive development policy requires more resources;

8. The current infrastructure (Roads, NMT and Sewerage network) carrying capacity could support the density of the proposed development allowance;
9. There was need to fully implement NIUPLAN. The policy stated that it relied on the NIUPLAN yet fails to actualize it in the zoning matrix;
10. The proposed Development Levy should be shared between the County and developers;
11. The Urban Planning Technical Committee should be anchored in Policy or Law;
12. The Policy lacked provision on regularization of unregulated developments in the County;
13. The Policy did not make any provisions for leveraging on technology in processes and procedures; and
14. The Policy was not informed by data such as data on population distribution; and
15. The draft policy was inconsistent with the National Building Code.

Resolutions of the Committee

At its Sitting held on 23rd and 24th February 2025 in Nakuru County, the Committee deliberated on the outcome of the public participation and deeply interrogated the feedback. It was established that the feedback raised significant and legitimate concerns. Therefore, the Committee resolved to embark on the policy revision process in order to cater for the views and concerns collected from the stakeholders and seek to address them.

3.1 OVERVIEW OF THE REVISED NAIROBI CITY COUNTY DEVELOPMENT CONTROL POLICY

Having intensively and extensively deliberated on the draft Development Control Policy of 2023, taking into account the feedback from stakeholders and having subsequently consulted with planning experts from the Built Environment and Urban Planning and players from different professional bodies through a taskforce-driven process, the Committee presents the following highlights of its final version of Sessional Paper No. 1 of 2023 on Nairobi City County Development Control Policy.

3.1.1 Justification of the Policy

The Committee observed that the Policy was necessitated by the following existing demographic, land use, environmental and legal realities in the County:

- i. The Physical and Land Use Planning Act 2019, allows for formulation and revision of policies within 5-10 years after formulation. Therefore, the County is reviewing the development control guidelines in order to comply with the requirements of law and ensure that developments in the City are effectively managed. In addition, the review is in compliance with the recommendation of Nairobi Integrated Urban Development Master Plan (NIUPLAN) on formulation of development control guidelines and a review of Nairobi zoning ordinances.

- ii. Nairobi City is experiencing unique spatial planning dynamics due to population growth, high demand for residential units, office space, need for support services and facilities. The City's development trends seem to be demand driven rather than guided by spatial planning and development control policies. This is due to undefined zoning policy guidelines that ought to be reviewed
- iii. Environmental concerns have become prevalent since the prevailing development densities and trends are exerting pressure on the existing land uses leading to incompatible land uses, environment degradation, proliferation of informality, lack of compliance with the existing planning and building standards.
- iv. The outdated zoning and development control frameworks have demonstrated that even well-intentioned planning instruments can become obsolete over time. Periodic revision is therefore essential to maintain sustainable land use patterns. Current development trends in Nairobi are largely demand-driven rather than plan-led, leading to uncontrolled densification, incompatible land uses, and environmental degradation. Reviewing the policy will provide clarity, predictability, and consistency in the management of urban development

3.1.2 Policy Objectives

The specific objectives of this Policy document are to:

- i. To facilitate private sector participation in the investment in transforming Nairobi into a modern livable and sustainable City with a high quality of life for all residents;
- ii. To sustainably guide and regulate development in Nairobi for the next 10 years; and
- iii. To review and update the development control guidelines for effective urban management of developments within the Nairobi City.

3.1.3 Scope of the policy

This Development Control Policy applies to all physical development activities within the administrative boundaries of Nairobi City County. It provides a framework for guiding, regulating, and managing land use and development in accordance with the provisions of the Physical and Land Use Planning Act, 2019 and other relevant planning statutes.

The Policy covers all forms of development, including residential, commercial, industrial, institutional, recreational, and mixed-use developments. It applies to both private and public developments, as well as redevelopment and regularization of existing developments. Specifically, the policy addresses the following aspects:

- i. Zoning and land use management;
- ii. Development densities and building heights;
- iii. Plot coverage, setbacks, open space requirements;
- iv. Environmental sustainability and climate resilience in the development;
- v. Development approvals procedures, enforcement and compliance mechanisms; and

- vi. Infrastructure integration including roads, water, sewerage energy and solid waste management.

4.1 POLICY, LEGAL AND INSTITUTIONAL FRAMEWORK

4.1.1 Policy framework

This Development Control Policy is anchored and guided by key overall national guiding documents as follows:

1. **Vision 2030:** The Kenya Vision 2030 is the overall development framework for Kenya. It provides for the desired flagship projects and development indicators which will guide development. This enables the development of this policy around the said flagship projects and development indicators.
2. **The National Land Use Policy:** It states that to ensure sustainable urbanization and promote the development of adequate and appropriate shelter for all, the Government shall consider the re-conceptualization of zoning and subdivision control as tools for creation of integrated viable urban communities.
3. **The National Land Policy:** provides the framework on how land is accessed, used, managed, and administered including emphasis on key principles such as equitable access to land, security of land rights, sustainable land use, gender equity, protection of ecologically sensitive areas, and transparent land administration
4. **The Nairobi Integrated Urban Development Master Plan (NIUPLAN):** The plan recommends preparation of local, physical and land use plans for sub centers detailing specific interventions for various areas and provision of development control guidelines to provide direction of growth of the City based on in-depth analysis of prevailing conditions including demand and supply in transport, housing, water and sanitation, commercial and industrial development.

4.1.2 Legal framework

The Committee observed that Nairobi City County Development Policy was originated and formulated based on existing and approved overarching Constitutional, Statutory and Policy documents including the following:

- i. The Constitution of Kenya, 2010
- ii. The County Governments Act, 2012
- iii. The Urban Areas and Cities Act, 2011
- iv. The Physical and Land Use Planning Act, 2019
- v. Nairobi City County Community and Neighborhood Associations Engagement Act, 2016
- vi. Land Act, 2012: Governs land tenure, administration, acquisition, and management.
- vii. Land Registration Act, 2012: Provides for registration of title and interests in land.

- viii. Community Land Act, 2016: Provides for management and use of community land.
- ix. Forest Conservation and Management Act, 2016: Ensures the sustainable management, conservation, and protection of forests in Kenya.
- x. Kenya Roads Act, 2007: Provides for the management, development, and maintenance of national, rural, and urban roads.
- xi. National Museums and Heritage Act, 2006 - Protects and promotes Kenya's cultural heritage, historical sites, and national monuments.
- xii. Public Health Act, Cap 242 (Revised 2012) - Safeguards public health through regulation of sanitation, disease control, and healthy environments.
- xiii. Environmental Management and Coordination Act (EMCA), 1999 (as amended 2015): Provides a framework for sustainable environmental management, protection, and conservation.
- xiv. Civil Aviation Act, 2013 - Regulates civil aviation safety, security, and standards for air transport and airports.
- xv. National Construction Authority Act, 2011: Regulates the construction industry, ensuring quality standards, registration of contractors, and compliance with laws.
- xvi. Architects and Quantity Surveyors Act (Cap 525): regulates architects and Quantity Surveying practice.
- xvii. Engineers Act, 2011: regulates engineering practice via EBK.
- xviii. Survey Act, Cap 299: governs land surveying and mapping.
- xix. Values Act, Cap 532: regulates valuation professionals.

4.1.3 Institutional framework

The Committee noted the following key government departments and ministries that are crucial in implementing the development control guidelines:

- i. Nairobi City County Government
- ii. Ministry of Lands and Physical Planning
- iii. National Land Commission
- iv. National Environment Management Authority
- v. Kenya Civil Aviation Authority
- vi. Physical and Land Use Planning Consultative Forum

5.1 POLICY INTERVENTIONS

The Committee noted that the County intends to adopt the following interventions to strengthen development control, in line with the Constitution of Kenya, 2010, Physical and Land Use:

5.1.1 Policy Statements on Institutional Government Reforms

- i. The County shall enhance NPDMS to streamline approvals, reduce delays, and enhance service delivery.
- ii. Development control processes shall be fully digitized, including end-to-end electronic permitting, integration with Geographic Information Systems (GIS), and automated application tracking.
- iii. The County shall strengthen the technical and enforcement capacity of planning staff through training, recruitment, and provision of adequate resources.

5.1.2 Policy statements on Zoning, Land Use, and Urban Form

- i. Nairobi shall be administered under 15 Development Control Zones, each with tailored land use and density guidelines, replacing the previous 20 zones.
- ii. The zoning framework shall be periodically reviewed to reflect growth patterns and align with the Nairobi Integrated Urban Development Master Plan (NIUPLAN).
- iii. Special Planning Areas (SPAs) shall be designated in priority locations, including informal settlements, industrial hubs, and heritage sites.
- iv. Transit-Oriented Development (TOD) shall be promoted along Bus Rapid Transit (BRT) and commuter rail corridors to support efficient mobility.
- v. The County shall protect public land, open spaces, and riparian reserves from encroachment through strict enforcement and monitoring mechanisms.

5.1.3 Policy statements on planning gain and development contributions

Developers of large-scale projects shall be required to provide planning gain through:

- i. Sustainable and resilient development: it promotes green building standards and waste management
- ii. Transparency and accountability: ensures proper use of developer contribution
- iii. Development contribution framework: guides the calculation and application of contribution
- iv. Infrastructure contribution which include roads, drainage and utilities
- v. Community facilities which encompass schools, health centers and open space
- vi. Land surrender: in case of land sub-division, developers shall surrender land for public utilities and infrastructure as part of the planning gain obligations

5.1.4 Policy statements on air Rights and Transferable Development Rights

The County may permit property owners to:

- i. Sell or transfer air rights to developers of other properties within designated receiving zones, allowing those properties to exceed standard density limits
- ii. Donate air rights to the County in exchange for incentives such as expedited approvals, tax relief, or infrastructure improvements
- iii. Bank air rights for future use or transfer, subject to registration and valuation.

5.1.5 Policy statements on sustainable and resilient development

The County shall:

- i. Enforce the Kenya Building Code 2022 and promote adoption of green building standards.
- ii. Require all major projects to prepare Construction Waste Management Plans.
 - a. Renewable energy systems.
 - b. Water harvesting and recycling.
 - c. Climate-resilient design.
 - d. Universal design for accessibility.
- iii. Introduce eco-zoning incentives such as reduced approval timelines or discounted fees for compliant green projects.
- iv. Promote a circular urban metabolism by requiring all developments to include waste segregation areas, color-coded bins, and designated waste rooms in line with NEMA Waste Segregation Guidelines (2024).
- v. Require high-rise buildings to install dual garbage chutes for general waste and recyclables.
- vi. Mandate Pollution Prevention Plans for all commercial and industrial projects, including site-specific environmental management plans.
- vii. Apply climate-responsive zoning that prioritizes compact, mixed-use and transit-oriented development (TOD) within 800 m of BRT and rail stations.
- viii. Require major developments to be net-zero ready with solar-ready roofs, EV charging points, rainwater harvesting, and grey water recycling.
- ix. Integrate Sponge City principles through Sustainable Urban Drainage Systems (SUDS) such as bios wales, permeable pavements, and retention gardens.
- x. Establish Ecological Overlay Zones to protect riparian areas, wetlands, and biodiversity corridors with a minimum 30 m buffer and native vegetation restoration.
- xi. Enforce minimum green coverage standards:
 - a. Residential areas: 10% greenery
 - b. Industrial developments: 10% landscaping
 - c. Commercial developments: 2% landscaping/open space
- xii. Encourage green roofs, vertical gardens, and pocket parks to strengthen Nairobi's urban green network and mitigate heat island effects.

5.1.6 Policy statements on public participation

The County shall ensure the following:

- i. Institutionalization of Ward-Level Planning Forums to ensure community involvement in planning decisions.
- ii. Public participation requirements shall be impact-based rather than limited to building height or floor thresholds. Projects with significant environmental, infrastructural, or social impacts shall require enhanced public participation.
- iii. The official Register of Development Permissions shall be maintained physically at the CECM's office as the authoritative record.
- iv. Empower citizens to report illegal developments through hotlines, mobile applications, or ward offices.

5.1.7 Recognition and Collaboration Framework with Resident Associations

The policy provides that, in accordance with the Nairobi City County Community and Neighborhood Associations Engagement Act, 2016 (No. 4 of 2016), the County shall establish a structured framework for collaboration with registered Resident Associations.

6.1 IMPLEMENTATION FRAMEWORK

6.1.1 Institutional framework

It was noted that the core mandate of the institutional framework plan is to re-engineer the planning and development control process by establishing a centralized, legally robust decision-making structure, backed by mandatory digital systems and a dedicated infrastructure financing mechanism, ensuring all future development is coordinated, sustainable, and strictly compliant with new and current zoning ordinances.

6.1.2 Policy statements:

- i. NCCG shall receive and approve development applications.
- ii. NCCG shall build the capacity for urban planning, development control and enforcement of the guidelines through training, recruitments of additional staff to meet demand, improved working conditions and decentralization of the planning function to the Ward level.
- iii. KCAA and Ministry of Defense shall provide guidelines to facilitate approval process around airports, airstrips and safeguarding areas.
- iv. NCCG shall take lead in establishing cooperation mechanisms with the National Government and neighboring Counties for formulation and implementation of inter county development control plans.

6.1.3 Application for development permission

This establishes the new, mandatory gateway into Nairobi's development, designed specifically to eliminate the historical problem of discretionary approvals and procedural delays through the operationalization of the Physical and Land Use Act, 2019 that require strict adherence to the stipulations relating to development control.

Policy statements

- i. All applications shall be submitted and processed through the e-development permit system.
- ii. Requirements for each type of development application shall be as indicated in Annex
- iii. All applications shall be vetted upon receipt, invoiced for the application fee, circulated, evaluated by technical team upon which approval is given or declined.

6.1.4 Development Impact Fee (DIF) & NUIRF Implementation Framework

Anchored under the Physical and Land Use Planning Act, 2019 and enforced as a mandatory development condition per Chapter 4 of the Physical and Land Use Planning Handbook, 2025, the Development Impact Fund (DIF) is not a tax. The Nairobi Urban Infrastructure Reinvestment Fund (NUIRF) is secured as a Special Revenue Fund under the Public Finance Management Act, 2012 which legally ring-fences revenue from diversion.

6.1.5 Framework for Demanding Surrender of Land within Nairobi City County Government

This framework provides a step-by-step guide for Nairobi City County Government Planning authority hereby being the County Executive Committee Member in charge of Built Environment and Urban Planning when demanding the surrender of land for public purposes, in accordance with the Physical and Land Use Planning Act, 2019 and the Physical and Land Use Planning (General Development Permission, Control) Regulations, Legal Notice 253 of 2021, the Physical and Land Use Planning Handbook (2025) and the Kenya National Land Use Policy (2017).

6.1.6 Legal and Policy Instrument Development

To fully realize the objectives of this Development Control Policy and provide a predictable, legally sound, and enabling environment for sustainable development, the Nairobi City County Government (NCCG) shall develop and enact the following specific legal instruments and policies. These are designed to operationalize the broader legal framework and provide the necessary statutory backing for the policy interventions outlined in this document. They include:

- i. Enactment of a Nairobi City County Physical and Land Use Planning Regulations:

- ii. Formalization of the Urban Planning Technical Committee (UPTC) and Consultative Forum
- iii. Adoption of Participatory Planning Regulations
- iv. Establishment of the Nairobi Urban Infrastructure Reinvestment Fund (NUIRF) under a Legal Trust
- v. Development and Enactment of a Green Building and Climate Resilience Policy
- vi. Creation of Mandatory Service Level Agreements (SLAs) with National Agencies
- vii. Development of a Data Protection and Information Sharing Protocol
- viii. Environmental Compliance Provision

6.1.7 Infrastructure development

Expansion of infrastructure in Nairobi has been limited despite the high levels of development densities over the years. This has resulted to traffic congestion, limited water supply, poor solid waste management and inadequate sewer systems in most sections of the city.

Policy statements

- i. NCCG shall impose an infrastructure levy on development applications to facilitate infrastructure development in collaboration with other Government agencies supporting infrastructure.
- ii. Nairobi City Water and Sewerage Company shall rehabilitate, upgrade and extend distribution networks to 100% coverage by 2035 in line with the Strategic Plan.
- iii. Nairobi City County to develop policy on green building concept incorporating rain water harvesting, water recycling and reuse and green energy.
- iv. Developers shall restore infrastructure destroyed during construction to the original state and to the satisfaction of the County Engineer in charge of roads. Contractors shall maintain the section of roads and other infrastructure during construction and occupation certificates will be issued after infrastructure is restored.
- v. Nairobi City County shall facilitate expansion of roads through planning and widening to enhance vehicular, Non-Motorized Transport and services provision in collaboration with Kenya Urban Roads Authority (KURA), Kenya Railways and other inter- governmental agencies.
- vi. Development approvals in areas earmarked for road expansion shall be granted subject to surrendering portions of land to facilitate the expansion.
- vii. Nairobi City County shall facilitate development of Intelligent Traffic Management Systems to reduce traffic congestion in collaboration with other Government agencies like KURA, NAMATA, NTSA and the National Police Service.
- viii. Nairobi City County shall promote transport-oriented developments along major roads.

7.1. MONITORING AND EVALUATION

The policy provides that monitoring and evaluation of implementation of the Development Control policy will be critical to ensure that its intended goal is achieved and that development control-related decisions are based on factual information.

This Development Control Policy shall be subject to mandatory comprehensive review every five (5) years from the date of adoption, in accordance with Section 17(4) of the Physical and Land Use Planning Act, 2019. The review shall be completed within twelve (12) months of commencement and shall not exceed ten (10) years without revision. This will ensure that the policy is in line with current needs and development trends.

Policy statements:

- i. NCCG shall develop a monitoring and evaluation system within the first three months after policy is in force with clear goals, objectives, strategic interventions, key performance indicators, roles of various actors and timelines.
- ii. NCCG shall coordinate the execution of the implementation matrix and any review that may arise within the policy period.
- iii. NCCG will spearhead the constitution of a monitoring multi-agency team comprising of resident's associations, intergovernmental agencies responsible for infrastructure development, KCAA and Ministry of Defense to monitor implementation of the policy. The Urban Planning Department under NCCG shall convene quarterly meetings of the inter-agency team to review progress.
- iv. The Department responsible for urban Planning under NCCG shall coordinate collection of data relating to development applications, approvals, compliance and status of infrastructure for review by the inter-agency team. They shall prepare quarterly and annual reports.
- v. NCCG shall build the capacity within the Urban Planning Department to create a stringent development control regime for adherence to and enforcement of such parameters which include plot ratios, ground coverage, setbacks, building heights, infrastructure standards and fire safety.
- vi. NCCG shall also develop capacity in monitoring and evaluation to enhance policy implementation and evidence based reporting.

8.1 PROPERTY MATRIX AND ZONAL MAP

The Policy has divided the City into fifteen (15) zones including the following:

	ZONE	AREAS COVERED
1.	CENTRAL BUSINESS DISTRICT	Core- CBD, Railway Cityi, Muthurwa, Upperhill/Community, Ngara, /valley Road/Milimani, Kariokor/Ziwani/Gikomba/ Majengo,
2.	WESTLANDS	Kianda Triangle, Muthangari/Kabasiran, Loresho, Kibagare, Kyuna, Upper Spring valley, Parklands,

		Commercial Core, Rhapta Area, Kitisuru, Lower Spring Valley, Along Waiyaki Way,
3.	EASTLEIGH	Mlango Kubwa/Huruma/Mathare, Eastleigh, Pangani,
4.	WOODLEY/KILIMANI	Dennis Pritt Lower, Dennis Pritt Upper, Commercial Core, Ngong Road Area, Hurlingham, Lavington, Kileleshwa, Riverside Drive, Kilimani, Woodley/ Kabarnet gardens/Joseph Kangethe Estate/ Jamuhuri Estates/Ngumo Estates/ Magiwa Estates,
5.	LANGATA	Commercial Core, Madaraka, South C, Langata neighbourhoods/Jonathan Ngeno/ National Housing Corporation Estate, South B/ Plainsview,
6.	MAKADARA	Hamza, Jericho, Makongeni, Maringo, Buruburu, Industrial area, Uhuru Estate, Mbotela, Pumwani, Shauri Moyo, Jerusalem, Bahati, Lumumba, Kaloleni
7.	ROYSAMBU	Githurai 44, Kahawa West, Kiwanja Area, Commercial Core, Ridgeways, Garden Estate, Njathaini, Safari Park, USIU, Along Thika Road, Thome, Marurui (Block 139) , Marurui, Zimmerman,
8.	RUNDA	Runda, Commercial Core, Gigiri/UN, Nyari/Kitisuru, New Muthaiga, Old Muthaiga,
9.	KAREN	Karen (Hardy, Kuwinda, Karen C, Miotoni, Park Place Area), Langata Road Corridor, Galleria Area, Karen Triangle, Institutions(locate as per IpdP),
10.	DAGORETTI	Dagoretti Corner Commercial, Kawangware Commercial, Mountain View, Dagoretti Light Industrial, Dagoretti ,
11.	NORTH AIRPORT	Imara Daima Estate/Villa Franca, Mukuru Kwa Njenga/ Mukuru kwa Reuben, Pipeline, Fedha Estate, Tassia I/II, Airport North Industrial, Embakasi Village, Nyayo Estate,
12.	DONHOLM	Donholm, Umoja III /KCC, Kayole, Komarock, Nassra Estate, Saika, Umoja I/ Umoja II/Umoja Innercore & Tena, Njiru, Mowlem Commercial Core, Donholm Commercial Core,

13.	DANDORA	Dandora Phase 1-5, Kariobangi, Baba Dogo, Commercial Core, Korogoshi/ Kariadudu/ Ngomongo, Civil servants, Lucky summer
14.	KASARANI	Clayworks, Industrial, Sunton/ Hunters/Mwiki, Ruaraka/ Ngumba/ Drive in, Commercial Core,
15.	RUAI	Kamulu, Ruai – Residential, Commercial Core, Ruai Industrial, Mihang'o, Githunguri, Utawala

The policy has demarcated the boundaries of the zones in accordance with the Zonal Maps in which development and development approval will be guided by parameters such as land use character, maximum levels, ground coverage, plot ratios, minimum plot sizes and determination. These parameters are central to the development control and approval process at the County.

9.1 COMMITTEE OBSERVATIONS

The Committee, in its process of considering the Policy observed as follows:

1. That the Sessional Paper No. 1 of 2023 was submitted and subsequently tabled in the County Assembly on 6th June 2023 and committed to the Sectoral Committee on Lands, Planning and Housing;
2. That the Committee subjected the draft Policy to robust public participation and stakeholder consultations that informed the amendment to the draft policy;
3. That the Policy was developed by the County Government in response to lack of an updated and responsive development control guideline to inform decisions made on approvals for development applications;
4. That the process of formulation of the guidelines adopted a participatory approach and received valuable comments and input from various stakeholders which have been taken into consideration under the policy interventions. These stakeholders included representation from government ministries, parastatals and agencies;
5. That the guidelines have taken into account the importance of environmental health and public sanitation. The guidelines have also considered special areas in the City such as government institutions, diplomatic missions and embassies, places of worship and learning institutions. Further, the City is also currently implementing urban renewal programs including affordable housing to enhance access to decent and affordable housing within the City and this together with special planning areas within informal settlements have been given special considerations; and
6. That if the aforementioned initiatives are implemented as envisioned in the Policy, property development challenges affecting the city shall effectively be addressed. However, this shall require Commitment by all the stakeholders. The County Assembly should especially play the oversight role over the Policy implementation, while the County Executive must adhere to, and implement the plan by committing to the Policy and seeking support from other development partners.
7. That annexed to the amended policy are: Nairobi City County Property Matrix and Nairobi City County Property Matrix;
8. That the policy has divided the City into 15 zones that have been demarcated on the zonal maps
9. That the Property matrix provides a comprehensive zonal guide on developments guided by the parameters including plot ratio, ground coverage, maximum levels, land use and minimum plot size;
10. That the policy provides for clear parameters to guide the type, size and height of developments in the County including plot ration, levels, ground coverage, minimum plot size and determinants

11. That the policy comes in at a crucial moment when the population of the City is rapidly growing and demand for infrastructure has grown significantly. There is also an increase in investments in the real estate that needs to be regulated under this umbrella policy document in order to foster sustainable and responsible development.

10.1 COMMITTEE RECOMMENDATIONS

Having taken into account the feedback from stakeholders, the Committee, pursuant to Article 185(4) of the Constitution of Kenya, 2010 and Section 8(1) (e) of the County Governments Act, 2012 and provisions of Standing Orders 196 (6) and 151 A, recommends that,

1. The Nairobi City County Assembly approves the revised Sessional Paper No. 1 of 2023 on Nairobi City County Development Control Policy and its re-designation as Nairobi City County Development Control Policy, 2026;
2. The Nairobi City County Assembly approves that the revised Policy come into force upon publication in the *Kenya Gazette* by the County Executive Committee Member for Built Environment and Urban Development, provided that such publication occurs within 21 days of the Assembly's approval and transmittal of its resolutions;
3. The Nairobi City County Government, subject to annual budget cycles, and in collaboration with the National Government and development partners, to continuously and progressively rehabilitate, upgrade, extend and develop critical infrastructure systems, including sewer, roads, drainage; and enhance water provision and solid waste management; and
4. Pursuant to the provisions of the Physical and Land Use Planning Act, 2019 and the Nairobi Integrated Urban Development Master Plan (NIUPLAN), the Nairobi City County to develop local physical and land use plans covering all the 15 zones.

ANNEXURES

1. The revised Sessional Paper No. 1 of 2023 on Nairobi City County Development Control Policy
2. A copy of the submitted and tabled Sessional Paper No. 1 of 2023 on Nairobi City County Development Control Policy
3. Minutes of the Committee
4. Copies of attendance registers for public participation
5. Matrix on public participation containing a summary of the public input
6. Copy of newspaper advertisement for public participation

THE COUNTY GOVERNMENT OF NAIROBI CITY



NAIROBI CITY COUNTY ASSEMBLY

By dint of the signatures affixed hereunder, we, the Members of the Sectoral Committee of Lands, Planning and Housing, affirm that this is the approved report of the Committee on consideration of the Nairobi City County Development Control Policy, and accordingly endorse its tabling in the County Assembly.

<u>NO.</u>	<u>NAME</u>	<u>SIGNATURE</u>
1.	Hon. Alvin Palapala, MCA	
2.	Hon. Collins Ogenga, MCA	C.O.O
3.	Hon. Peter Imwatok, MCA	
4.	Hon. Antony Kiragu, MCA	
5.	Hon. Paul Kados, MCA	
6.	Hon. Waithera Chege, MCA	
7.	Hon. Geoffrey Majiwa, MCA	
8.	Hon. Fuad Hussein, MCA	
9.	Hon. Hashim Kamau, MCA	
10.	Hon. Paul Ndung'u, MCA	
11.	Hon. Thuo Fiunifiu, MCA	
12.	Hon. Nasra Nanda Shehan, MCA	
13.	Hon. Hannah Wanjiru Muriuki, MCA	
14.	Hon. Nyantika Ricardo Billy, MCA	
15.	Hon. Lily Akoth Kidenda, MCA	
16.	Hon. Jane Wanjiru, MCA	J.W
17.	Hon. Nicholas Juma, MCA	
18.	Hon. Peter Maina, MCA	
19.	Hon. Clement Kamaru, MCA	
20.	Hon. Francis Kimondo, MCA	
21.	Hon. Patrick Macharia, MCA	
22.	Hon. Tricer Jeptoo, MCA	
23.	Hon. Martin Wairobi, MCA	

