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Physical and Land Use Planning Act

The Physical and Land Use Planning (General Development Permission and Control) Regulations

Legislation as at 31 December 2022

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The Physical and Land Use Planning (General Development Permission and Control) Regulations (Legal Notice 253 of 2021)

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PHYSICAL AND LAND USE PLANNING ACT

THE PHYSICAL AND LAND USE PLANNING (GENERAL DEVELOPMENT PERMISSION AND CONTROL) REGULATIONS

LEGAL NOTICE 253 OF 2021

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Part I – PRELIMINARY

1. Citation

These Regulations may be cited as the Physical and Land Use Planning (General Development Permission and Control) Regulations.

2. Interpretation

In these Regulations, unless the context otherwise requires—

"amenity" means the physical attributes in an area which contribute to the quality of the environment and its better enjoyment during any permitted use;

"ancillary use" means an activity that is subservient to the primary use of land or building;

"building" has the meaning assigned to it by section 2 of the Act;

"building" or "works" include waste materials, refuse and other matters deposited on land and reference to the erection or construction of building or works shall be construed accordingly;

"building line" means a line drawn across a plot such that no building or permanent structure, except a wall of approved design enclosing the plot, maybe within the area contained between that line and the nearest road on which the plot has frontage;

"change of user" means any alteration in the use, purpose or level of activity within any property that involves a material change that results in a use that is completely different from the previous one and will require development permission;

"class" means a category of uses within which a person does not require application for development permission;

"conformance conditions" means conditions for applications that require further professional input such as structural, civil, electrical, mechanical and Information and Communication Technology engineering designs before commencement of development;

"controlled area" means any area adjoining land developed or set aside for development of a strategic installation which includes special planning areas within the meaning of section 52(1) of the Act and areas where development may be controlled i.e. buffers, safeguarding areas, protected areas and controlled land;

"comprehensive development" means a development proposed and implemented on a defined piece of land that goes beyond one defined land use with each land use being principal;

"density" means the maximum amount of development permitted or the maximum munber of persons permitted to reside, as the case may be, on any area of land;

"densification of use" means a deliberate planning process that seeks to change and enhance the land carrying capacity of any land parcel or zone in terms of population and user activities;

"development application" means developments that relate to change of user, extension of user, extension and renewal of leases;

"development approval" means certification of a development permission by the planning authority for purposes of further necessary action by ministries, departments and agencies;

"development control instruments" means prescribed standard operating documents including forms and spreadsheets utilised in processing applications for development permission;

"development fees" means a fee levied under section 63 of the Act for development of infrastructure in relation to the property in question for general use by the residents of the area where the property in question is located;

"development permission" means permission granted by the planning authority to an applicant to develop land under section 57 of the Act;

"dwelling house" means a building including a garden that affords those who use it facilities required for daily private domestic use;

"easement" means a non-possessory interest in another's land that allows the holder to use the land to a particular extent, to require the proprietor to undertake an act relating to the land, or to restrict the proprietor's use to a particular extent, and shall not include a profit; and

"erection" in relation to a building includes extension, alteration and re-erection;

"extension of user" means introduction of an ancillary use in addition to the existing use within the same building or site while maintaining the dominance of the principal use on a specific parcel of land;

"ground coverage" as applied to a development means the percentage of the horizontal area of the site permitted to be used;

"highest water mark" means the highest level or boundary reached by a river or lake during floods, and by the ocean during periods of high tides;

"land use" means the economic functions or utility associated with a specific piece of land such as agriculture, industrialization, residential, transportation, public purpose, recreation, public utility or educational utility;

"licenced professional" includes a registered physical planner, registered architect, registered engineer, or, licensed land surveyor, licensed valuer and registered quantity surveyor;

"location plan" means a supporting document presented in a standard metric scale and indicating the direction of North to make the orientation clear that may be required by a planning authority as part of a development application that provides an illustration of the proposed development in its surrounding context to enable the planning authority to properly identify the land which the application refers;

"material consideration" means a matter of a planning nature that a planning authority may consider in determining a development application;

"performance conditions" means conditions discharged during implementation through interim, partial and incremental certification;

"permitted development" means development which may be undertaken without the outright permission of the relevant planning authority;

"planning guidelines" means guidelines formulated by the Cabinet Secretary under section 10(b) of the Act;

"preliminary application" means an application seeking detailed information and guidance to enable submission of a detailed application;

"relevant Professional Registration Board" has the meaning assigned to it under Physical Planners Registration Act (Cap. 536), Architects and Quantity Surveyors Act (cap. 525), Survey Act (Cap. 299), Valuers Act (Cap. 532) and Engineers Act (Cap. 530);

"riparian reserve" means the ecological buffer of earth surface not being the bed of a stream, river, ocean, dam, natural or artificial lake, swamp or riverine wetlands measured horizontally from the highest water mark and may include part of any land parcel situated at the distance from the bank within the measurements specified in regulation 14, that is protected under the Act or its use regulated under any other written law;

"strategic installation" means any installation that is classified as such under the Physical and Land Use Planning (Classification of Strategic National or Inter-County Projects) Regulations (Sub. Leg) and relevant regulations or declared as such by the Cabinet Secretary subject to a risk assessment report prepared under these regulations or developed within a strategic national project;

" subdivision" in relation to land means the division of a specific parcel of land, including buildings into units held under single ownership, into two or more parts whether the subdivision is by conveyance, transfer or partition or for the purpose of sale, gift, lease or any other purpose;

"statutory undertaker" means statutory bodies responsible under any written law within the country and any other body which the cabinet secretary may by notice in the *Gazette* specify to undertake activities that may lead to physical alterations to the land which has some degree of permanency;

" submission certificate" means a certificate that is issued to a person who has submitted a development application in accordance with section 62(1) of the Act;

"way leave" means a contract between the owner or occupier of land (the grantor) and a third party (the grantee) permitting the grantee to access privately-owned land to carry out works in return for some form of compensation; and

"zoning" means a regulation that defines land in a specific geographic location which can be developed and used.

3. Object of the Regulations

The object of these Regulations is to provide for the procedures and standards for development control and the regulation of physical planning and land use.

Part II – CHANGE OF USER AND EXTENSION OF USER

4. Application

(1) A person who seeks to put land into a use other than that which it is registered under shall apply to the planning authority for—

(a) a change of user; or

(b) an extension of user.

(2) The application under subregulation (1) shall be required when—

(a) the proposal consists of a significant change of the registered use of the land and constitutes a change of more than twenty per cent of the registered user of the land based on the plot coverage and plinth area; and

(b) the existing registered use of land does not conform to the approved plan or the zoning regulations.

(3) An extension of user application shall be required when the proposal consists of a change of the registered land use not exceeding twenty per cent in any case where a developer intends to comply with any revised physical and land use plans and land use zoning regulations.

5. Planning considerations and standards

In addition to paragraph 5 of the Third Schedule to the Act, a planning authority may consider the following matters with respect to an application under regulation 4—

(a) whether or not the intended use shall be in accordance with the desirable urban form and character of the area;

(b) where the land is needed for the establishment of wayleaves and easements, a part development plan shall be prepared showing the siting of the wayleave or easement; and

(c) the applicant shall provide an approved traffic management plan where applicable.

Part III – EXTENSION OF LEASE AND RENEWAL OF LEASE

6. Standards or considerations

In addition to paragraph 6 of the Third Schedule to the Act and the provisions of any other relevant written law, the following matters shall also be considered in repect of an application for an extension of lease or renewal of lease—

(a) if the land was not developed, the land should revert back to the lessor;

(b) whether the applicant has satisfied the previous development conditions imposed on the lease;

(c) the applicant's compliance with the National Land-Use Policy, land-use zoning regulations and approved National, Inter-County and County Physical and Land-Use development plans of the area;

(d) the capacity of the lessee to develop in accordance with the new conditions of the approved plan or land-use zoning regulations for the area;

(e) whether the land is required for environmental conservation and preservation; and

(f) whether portions or all of the land is required for registration of easements and way leaves for planned infrastructural facilities and other relevant way leaves.

Part IV – SUBDIVISION AND AMALGAMATION

7. Application

A developer shall apply to the planning authority for planning, approval in respect of a proposed subdivision or amalgamation in areas to which these Regulations apply.

8. Subdivision and amalgamation schemes

(1) A developer shall prepare a subdivision or amalgamation scheme in accordance with the provisions of the Third Schedule to the Act.

(2) Where any proposed street or road or railway line or tramway is included in the subdivision scheme, the layout shall conform to the relevant planning guidelines, standards, regulations and by-laws of the planning authority.

(3) Reference should be made to the abutting area regarding road alignment among other requirements as may be required by the relevant Road Agency and particularly—

(a) a minimum road width of twelve metres shall be provided for a road reserve for a public through road;

(b) where public roads intersect, a truncation of half the width of the lower hierachy road shall be provided;

(c) where the road is private and the minimum is not less than nine metres wide, a truncation of four and a half metres shall be provided; and

(d) footpaths and cycle paths that are not less than two metres wide shall be provided in all new roads.

(4) Unless site conditions prohibit, each plot shall be at right angles to the road, with the shorter side fronting the road and with a regular shape for optimum use of land and integration with the general spatial form of the area.

(5) Streets shall be aligned in such a manner as to facilitate natural stormwater flow and, where necessary, the scheme shall demarcate stormwater easements.

(6) The scheme shall respect riparian and ocean reserves, wayleaves and easements.

(7) The subdivision scheme shall provide for the preservation of the natural flora and fauna as much as possible in the case of a large-scale subdivision.

9. Planning brief

(1) All application for subdivision and amalgamation within urban areas, municipalities and cities shall be accompanied with a planning brief.

(2) A planning brief under subregulation (1) shall be exempted in respect of appplications for subdivision and amalgamation of agricultural land in rural areas for less than ten parcels.

10. Surrender of land for public purposes

(1) Subdivision schemes under regulation 7 may be subjected to surrender of land for public use in accordance with section 58 and paragraph 7 of the Third Schedule to the Act.

(2) Where required by the county executive committee member, in consultation of the county director of physical and land use planning, suitable and adequate land shall be surrendered by the applicant at no cost to the County Government for open spaces, amenities, recreational facilities, excluding road reserves, a public purpose relating to the area to be subdivided or for road-widening.

(3) Land surrendered in subregulation (2) shall be utilized for the planned purpose.

(4) The surrender can be in the form of part of the land to be subdivided or the provision of land of equivalent size and value at an alternative suitable site.

(5) The land to be surrendered shall be shaded in blue in the subdivision scheme.

(6) The surrendered land shall be registered in the name of the County Government or the Cabinet Secretary responsible for matters relating to finance in accordance with the Land Registration Act (Cap. 300).

(7) The County Government shall notify the National Land Commission of a surrender under this regulation for the purposes of allocation, processing and communication to the relevant authorities or agencies.

(8) Relevant utility services providers may be consulted during the process of determining the most favorable location of the surrendered land for purposes of provision of utility services.

(9) The developer or any other interested private party can apply to the County Government to use the land once it is registered to provide the public purpose service or utility for which the land surrendered.

Part V – EASEMENTS, WAYLEAVES AND RIPARIAN RESERVES

11. Utilisation of riparian reserves

(1) The utilization of riparian reserves shall be in strict compliance with the provisions of approved physical and land development plans, the National Land Use Policy and any applicable written law.

(2) In addition to the services contemplated in the Act and the Third Schedule, the following services shall also require easements or way leaves—

(a) storm water drainage channels;

(b) footpaths, pedestrian walkways and footbridges;

(c) cycle paths;

(d) water irrigation canals and pipelines;

(e) gas reticulation systems;

(f) street lighting works;

(g) wildlife migratory corridors;

(h) green spaces;

(i) springs and water access points;

(j) water storage points;

(k) sub stations for power distribution or power-lines;

(l) road reserves shall be managed in accordance to the Roads Act; and

(m) vicinity of strategic developments and special planning areas such as nuclear plants, coal plants, mineral exploration sites.

(3) The development of ground water facilities shall be in accordance with the Water Act and shall not negatively impact the neighboring ground water facilities.

12. Standards and considerations for easement and wayleaves

(1) The acquisition of easements for private use shall be compatible with the existing developments and appropriate for the intended use.

(2) New developments shall not extinguish obligations that come with existing way leaves and easements.

(3) Where the way leaves are on road reserves, they shall be dealt with in accordance with the provisions of the Public Road and Roads of Access Act (Cap. 399).

(4) Way leaves and easements shall be registered in accordance with the provisions of the Land Act (Cap. 280).

(5) Where wayleaves and easements fall on private property, the planning authority shall apply for creation and registration under the Land Act (Cap. 280).

(6) Way leaves and easements shall be depicted in the physical and land use development plans and survey plans.

(7) The acquisition of way leaves shall be guided by the principle of health and safety, legal clarity, public participation, environmental conservation and protection, economic viability and sustainable developments.

(8) Siting considerations for street lights and high mast floodlights shall—

(a) be at the most suitable location that affords illumination to more than one path;

(b) be in near proximity to electricity;

(c) provide for security of facility; and

(d) be in proximity to trading centres and shall illuminate pathways.

(9) The minimum wayleave for erecting the high mast floodlights shall be three metres in length and three metres in width.

13. Management of riparian reserves

(1) Physical and land use development plans shall be prepared to guide utilization of land within riparian reserves in rural and urban areas and provide buffers for lakes, rivers, swamps and oceans beyond the riparian reserves where controlled development may be allowed.

(2) The plans prepared under subregulation (1) shall promote controlled utilization of riparian reserves as recreational areas, open spaces, green ways and as utilities corridors among other sustainable uses.

(3) In connection with the utilization of the riparian reserve or development of the area beyond the riparian reserve or both, the applicant shall be required to submit an Environmental Impact Assessment and Audit Report together with the development application.

14. Measurement of the extent of riparian reserves

The following standards shall apply during the measurement of riparian reserves for the purposes of these Regulations—

(a) for rivers, a minimum riparian reserve of ten metres or a reserve that is equal to the average full width of the river measured from the highest water mark, whichever is higher, but which shall not exceed thirty metres, on either side of the river shall be maintained:

Provided that in the case of a flood plain, the riparian reserve may be higher as may be determined by the Water Regulation Authority:

(b) for lakes, a riparian reserve of not less than one hundred metres and not more than two hundred metres as measured from the highest water mark shall be maintained for all lakes:

Provided that in the case of Lake Naivasha, there shall be observed a contour of one thousand eight hundred and ninety-two point eight metres above sea level;

(c) for the Indian Ocean, a riparian reserve of three hundred metres as measured from the highest water mark shall be maintained;

(d) for swamps measuring more than one acre, a riparian reserve of at least fifty metres and not more than seventy metres as measured from the highest water mark shall be maintained;

(e) for swamps measuring less than one acre, a riparian reserve of at least twenty metres and not more than thirty metres as measured from the highest water mark shall be maintained;

(f) for dams, a riparian reserve of seventy metres as measured from the highest water mark shall be maintained for all dams:

Provided that downstream of the dam, there shall be maintained a riparian reserve of at least twenty metres and not more than one hundred metres as measured from the toe of the dam as determined by structural engineer; and

(g) for springs, a riparian reserve of at least six metres as measured from the source of the spring shall be maintained.

Part VI – REQUIREMENTS FOR SUBMISSION OF DEVELOPMENT APPLICATIONS

15. Requirement for Submission of application

(1) An application for development permission shall be made in Form PLUPA/DC/1A , Form PLUPA/DC/1B, Form PLUPA/DC/1C, Form PLUPA/DC/1D, Form PLUPA/DC/1E or Form PLUPA/DC/1F as set out in the First Schedule.

(2) An application for development permission shall be transmitted to the electronic address of the planning authority or submitted in paper form and shall be accompanied by—

(a) a certified copy of Title Deed or certificate of title or Certificate of Lease or other documents of ownership recognised under the laws of Kenya;

(b) a location plan indicating clearly the subject area in relation to major landmarks, roads and features;

(c) scheme plans or building plans;

(d) where applicable, public notification in accordance with section 58(7) and (8);

(e) where applicable, in case of change of user, extension of user, densification of use, extension of lease, renewal of lease, subdivision and amalgamation a planning brief of the comprehensive development prepared by a registered and practising physical and land use planner in accordance with these Regulations;

(f) where an applicant is not the registered owner of the land, the written consent of the registered owner of that land accordance with section 58(4) of the Act;

(g) in case of change of user, extension of user, densification of use, extension of lease and renewal of lease, a copy of the notice published in at least one newspaper of nationwide circulation measuring five thousand square millimetres in Forms PLUPA/DC/2 and PLUPA/DC/3 set out in the First Schedule, that has been published for at least fourteen consecutive days prior to the date the application is submitted; and

(h) where the application is for a change of user or extension of user, a caption of an on-site notice inviting comments from the members of the public in accordance with section 58(7) and (8).

(3) Where the application has been transmitted to the electronic address of the planning authority, the written consent, public notification notice and planning brief shall be submitted in PDF format and shall—

(a) not be password protected;

(b) be of A4 paper size;

(c) have line spacing of 1.5; and

(d) not contain hyperlinks.

(4) The licensed professional shall be required to inform the registered owner of the submission and progress made in processing the development application.

16. Specification of onsite notice

The onsite notice referred to in regulation 3(2)(1) shall be in Form PLUPA/DC/4 as set out in the First Schedule and shall have the following specifications—

(a) it shall be made of durable waterproof material that is capable of withstanding the extreme elements of the weather;

(b) it shall measure at least one hundred and twenty centimetres by seventy centimetres;

(c) it shall be placed at a height of one hundred and fifty centimetres on unobstructed space;

(d) it shall be legible from a distance of at least five metres from the notice; and

(e) it shall be placed on the boundary of the property fronting the access road.

Part VII – PROCESSING OF DEVELOPMENT APPLICATIONS

17. County Director to issue tracking number for applications

Upon submission of a development application, the County Director shall issue a submission certificate with a tracking number in accordance with section 62(1) in form PLUPA/DC/5 as set out in the First Schedule.

18. Payment of prescribed fees

(1) In case of electronic submission, the application shall be received and downloaded by the county director of physical and land use planning subject to payment of prescribed fees in accordance to the regulations issued from time to time by the planning authorities.

(2) Payments due to planning authorities shall be made in the form that the planning authorities may prescribe from time to time.

(3) An application shall not be considered duly completed until the invoiced amount is paid in full.

19. Registration of Development Application

Upon confirmation of payment of application fees or waiver authority, the county director shall record the application in the development applications Register in line with section 62 of the Act.

20. Circulation and reviewing of application

(1) The County Director shall transmit a copy of the application to the—

(a) Director-General for projects covering two or more counties or parts thereof or those classified under projects of strategic national importance; and

(b) the technical officers of the relevant authorities and agencies,

to review and comment in accordance with provisions of section 60(1) of the Act.

(2) For projects covering two or more counties of parts thereof the Director-General shall—

(a) issue an advisory or convene a meeting with the respective counties for further consultations;

(b) constitute an inter-county committee that shall prepare and complete the Inter-County project proposal within one year from the time notice of intention to prepare the plan;

(c) publish a notice in the *Gazette* and in at least two newspapers of national circulation and electronic media informing the public and request for submission of comments within thirty days;

(d) within twenty-one days of the expiry of the notice period consider the submitted comments and may incorporate the comments in the inter-county project proposal; and

(e) within seven days of making the decision publish it in a notice in the *Gazette* and in at least two newspapers of national circulation.

(3) For projects classified under projects of strategic national importance the Director-General shall—

(a) publish a notice in the *Gazette* and in at least two newspapers of national circulation and electronic media informing the public of the intention to undertake a strategic national project and request for submission of comments within sixty days; and

(b) in consultation with the respective County Director Physical and Land Use Planning convene public hearings to receive comments.

(4) For proposed projects falling within controlled areas around strategic installations, the County Director of Physical and Land Use Planning shall—

(a) refer it to the Director-General for verification of compatibility to the strategic installations development plan;

(b) transmit a copy of the application to the head of the relevant Government Ministry, Department or Agency responsible for the strategic installation comments;

(c) upon determination that the application falls under subregulation (3) the processing shall be undertaken in accordance with the Physical and Land Use Planning (Development Control for Strategic National Projects) Regulations (Sub. Leg); and

(d) upon determination that the application falls under (4) the processing shall be undertaken in accordance with the Physical and Land Use Planning (Development Control Around Strategic Installations) Regulations (Sub. Leg).

(5) Circulation of applications in 7(1) and (2) shall be in forms PLUPA//DC/6A and 6B as applicable.

(6) The County Director shall in accordance to sections 60 and 90(2)(f) of the Act maintain registers for circulation of applications in the format provided in forms PLUPA/DC/7A and 7B as applicable.

21. Decision-making and issuance of development permission

(1) The Cabinet Secretary shall approve, decline or defer application for prescribed projects of strategic national importance in accordance with section 69(4) of the Act.

(2) For developments adjoining strategic installation projects and other applications, the county director shall under section 20—

(a) analyse the comments received during circulation;

(b) submit the report to the County Executive Committee Member;

(c) transmit the decision to the property owner on such electronic address provided by the licensed professional supported by email or short message; and

(d) re-circulate deferred applications to the relevant authorities for further review and reporting.

(3) Upon receipt of the report in subregulation (2)(b), the County Executive Committee Member shall—

(a) grant the applicant a development permission in Form PLUPA /DC/8 set out in the First Schedule with performance and conformance conditions or without conditions;

(b) defer the application stating the grounds of deferment;

(c) refuse to grant the applicant such development permission stating the grounds of refusal; or

(d) authorise the County Director of Physical and Land Use Planning to communicate the decision in accordance to section 20(i) of the Act.

(4) Where required by the planning authority, land suitable and adequate for public purpose shall be surrendered at no cost to the County Government as a condition for development permission.

(5) In determining the size of land to be surrendered for public purpose under subregulation (3) the planning authority shall consider the reason for subdivision, size of land, number of resultant sub-plots, the resultant use, type and scale of development.

(6) The County Executive Committee member shall communicate to the chairman National Land Commission of such surrender in form PLUPA /DC/9.

(7) Where an application for demolition is approved, the applicant shall be issued with a demolition permit.

(8) The County Government shall be indemnified against any claims that may arise from negligence and or acts of omission during the demolitions works.

(9) Where an applicant does not receive written response within sixty days of the date the application was submitted, provisions of section 58(6) of the Act shall apply.

22. Permitted development

(1) Subject to the provisions of these Regulations, development of any class specified in the Second Schedule is permitted and may be undertaken upon land to which these Regulations apply with the permission of the planning authority provided that the permission granted by these Regulations in respect of any such class of development shall be subject to any condition or limitation imposed in the said Schedule.

(2) Nothing in this subregulation or the Second Schedule shall be deemed to permit any development which is not in accordance with any condition imposed when permission is granted or deemed to be granted under Part IV of the Act otherwise than by these Regulations.

(3) If the planning authority is satisfied that it is expedient that development of any of the classes specified in the Second Schedule shall not be carried out in any particular development of any of the said classes unless permission is granted on application in that behalf—

(a) the planning authority may direct that the permission granted by Part I of the Second Schedule shall not apply; or

(b) the County Executive Committee Member shall publish in the *Gazette* categories of development in the county that require development permission.

(4) A direction in respect of any particular area under subregulation (3)(a) shall be given by notice by the local authority and shall specify the effect of the direction and the name of a place where a copy thereof and a map defining the area to which it relates may be viewed at all normal hours of official business and such direction shall come into force on the date on which notice thereof is first published.

23. Exemption from development permission

The carrying out of the following works by statutory undertakers in case of emergency is exempt from the process of development permission—

(a) maintenance of bridges, buildings and railway stations;

(b) alteration and maintenance of railway tracks and provision and maintenance of track equipment, including signal boxes, signal apparatus and other appliances and works required in connection with the movement of traffic by rail;

(c) maintenance of harbours, quays, wharves and canals;

(d) provision and maintenance of mechanical apparatus or appliances required for the purpose of shipping or in connection with the embarking, disembarking, loading, discharging or transport of passengers, livestock or goods at a harbour, quay or wharf; and

(e) any development required in connection with the improvement and maintenance or repair of water courses or drainage works, sewers, sewage disposal works base transmission stations or optic fibres.

24. Receiving and Processing of Conformance Conditions Applications

Application for Conformance Conditions shall be received by the Director-General in line with regulation 7(1), (2) or (3) or the County Director in line with regulation 7(4) who shall—

(a) circulate to the relevant authorities or agencies responsible for the matter under review; and

(b) forward the reviewed application to the Cabinet secretary the County Executive Committee Member for issuance of development permission.

Part VIII – PERFORMANCE CONDITIONS MONITORING AND INSPECTIONS

25. Implementation of performance conditions

(1) The registered owner of a property or duly authorised agent shall send written notification in form PLUPA/DC/14 to the Director-General or the County Director requesting for inspection during the—

(a) commencement of the project;

(b) subsequent stages stated in the performance conditions.

(2) The Director-General or the County Director shall—

(a) issue an invoice subject to prescribed fees in accordance to the regulations issued from time to time;

(b) circulate the notification to the relevant authorities or agencies to carry out the inspection; and

(c) notify the registered owner of a property or duly authorised agent of the date of inspection in form PLUPA/DC/15.

26. Site Inspection Procedure and Issuance of Permit

(1) The relevant authorities or agencies shall—

(a) visit the project site and conduct inspection in accordance to procedures prescribed in the relevant codes; and

(b) prepare the inspection report in the prescribed inspection card and communicate within seven days—

(i) if satisfied with standards on the visited site issue permit authorizing progress of development from the date of inspection; or

(ii) if not satisfied, demand compliance to the set standards or conditions of approval before embarking on the development; or

(iii) issue a demolition order to the owner of the building if the structure cannot be repaired to a safe condition for either the occupier or the surroundings.

(2) The registered owner of a property carrying out the development shall not proceed with the development unless issued with a copy of the inspection report and permit authorising progress.

27. Final Inspection Issuance of Certificate of Compliance or Occupation

(1) Upon completion of the development project the licensed professional or duly authorised agent shall on behalf of registered owner of the property—

(a) notify the Director-General or the County Director requesting for joint final inspection of all the relevant authorities and agencies; and

(b) prepare the site of the completed development to standards stipulated in the performance conditions.

(2) The Director-General or the County Director shall coordinate the final joint inspection exercise and consolidate all inspection reports and forward to the relevant Planning authority who shall within seven days, in Forms PLUPA/DC/10 and PLUPA/DC/11 cause the issuance of—

(a) certificate of compliance; and

(b) notice for issuance of certificate of occupation.

(3) The architect and the structural engineer shall issue a certificate of guarantee and compliance for the curtain walling system, prior to theissuance of the certificate of occupation.

28. Revocation of development permissions

(1) Under section 57(5) of the Act, the County Executive Committee Member may revoke development permission issued under these Regulations on the following grounds—

(a) contravention of the conditions of approval;

(b) any consideration under Article 66(1) of the Constitution; or

(c) risk of natural disaster.

(2) The County Executive Committee Member may consult with the relevant authorities for their recommendations, before revoking a development permission.

(3) Where the County Executive Committee Member revokes the development permission under subregulation (1), he shall issue the holder a notice of revocation of development permission in Form PLUPA/DC/12 set out in the First Schedule.

(4) The County Executive Committee Member shall specify the reasons for the revocation in the notice issued under subregulation (3).

(5) A person aggrieved by a decision to revoke a development permission may appeal to the county physical and land use planning liaison committee within fourteen days of receiving the decision.

(6) Whereupon the registered owner of a property fails to comply with the decision of the county liaison committee, the County Executive Committee Member shall initiate enforcement process in accordance to section 72 of the Act.

Part IX – MISCELLANEOUS PROVISIONS

29. Registers maintained by the County Executive Committee Members

(1) The County Executive Committee Member shall prepare and maintain registers in accordance with section 62 of the Act containing the information set out in the Second Schedule relating to—

(a) all submitted applications as per the Third Schedule of the Act;

(b) all decisions to approve, defer, reject or revoke a development permission;

(c) all communication made and received pursuant to development applications; and

(d) all decisions on modification of conditions of development permission.

(2) Any person may request for the information contained in the registers by submitting a written request indicating the scope of the information sought their reason and purpose for obtaining the information sought.

FIRST SCHEDULE

FORMS

FORM PLUPA/DC/1A (r. 15(1))

THE PHYSICAL AND LAND USE PLANNING ACT

(CAP. 303)

Registered Number of Application .....

APPLICATION FOR DEVELOPMENT PERMISSION (PLANNING APPLICATION)

To the .....

(*Insert Name and address of the appropriate County Government Office*)

I/We hereby apply for permission to develop the land and/or building as described in this application and on the attached plans and drawings.

Date .....

Coordinates of Property/Plot (UTM) .....

Section A — General Information

1. Owner's name and address .....
1. Applicant's name and address .....
3. If applicant is not the owner, state interest in the land e.g. leasee, prospective purchaser, etc. and whether the consent of the owner to this application has been obtained.
   (a) L.R. or parcel No. .....
   (b) Road, District and Town .....
   (c) Acreage .....
4. If an application has been previously been submitted state the registered number of the application .....

Section B—Subdivision

1. Describe briefly the proposed subdivision including the purposes for which land and/or buildings are to be used .....
2. State the purpose for which land and/or buildings are now used. If not now used, the purpose for which and the date on which they were last used .....

3. State whether the construction of a new or an alternative of an existing means of access to or from a road is involved .....

4. State method of:

   (a) Water supply .....

   (b) Sewerage disposal .....

   (c) Surface water disposal .....

   (d) Refuse disposal .....

5. Give details of any relevant easements affecting the proposed subdivision .....

Section C — Extension of Lease or Use or Change of user

1. State whether subdivision is involved and if so whether permission has been applied for and if so give registered number of the application .....

2. Describe briefly the proposed development including the purpose for which land and/or buildings are to be used .....

3. State the purpose for which land and/or buildings are now used. If not now used, the purpose for which and date on which they were last used .....

4. State whether the construction of a new or alternative of an existing means of access to or from a road is involved .....

5. If the proposed development consists only of a change of use and does not involve building operations state the exact nature of such change .....

6. If the site abuts on road junction, give details and height of any proposed walls, fence, etc., fronting thereon.....

7. State method of:

   (a) Water supply .....

   (b) Sewerage disposal .....

   (c) Surface water disposal .....

   (d) Refuse disposal .....

8. Give details of any relevant easements affecting the proposals .....

9. State the:

   (a) Area of land affected .....

   (b) Area covered by buildings .....

   (c) Percentage of site covered .....

   by existing buildings .....

   by proposed buildings .....

Section D — Densification

1. Describe briefly the proposed development including the purpose for which land and/or buildings are to be used .....

2. State the purpose for which land and/or buildings are now used .....

3. State whether the construction of a new or alternative of an existing means of access to or from a road is involved .....
4. If the proposed development consists only of densification of use and does not involve building operations state the exact nature of such densification .....
5. If the site abuts on road junction, give details and height of any proposed walls, fence, etc., fronting thereon .....
6. State method of:
    (a) Water supply .....
    (b) Sewerage disposal .....
    (c) Surface water disposal .....
    (d) Refuse disposal .....
7. Give details of any relevant easements affecting the proposals.....
8. State the:
    (a) Area of land affected .....
    (b) Area covered by buildings .....
    (c) Percentage of site covered by existing buildings .....
    (d) Percentage of site covered by proposed buildings .....

Section E—Demolition

1. State the purpose for undertaking demolition .....
2. Provide a Clear description of the proposed methods of demolition including the volume of works .....
3. State method and place of:

    a) Storage of debris .....

    b) Disposal of debris .....

    NB: Demolitions do not constitute permission for alteration of structures

    Attached an EIA & A report

    Section F-Easements and wayleaves

1. State the purpose of the proposed easement or wayleave .....
2. Provide a clear description of the proposed easement or wayleave including the area, coordinates and any other important factor .....
3. State:
    (a) Any existing physical developments along the proposed area .....

(b) Type of land use activities along the proposed area .....

Note.—Drawing and specifications must be prepared and signed by licenced professionals

If filled by Agent:

Name .....

Address .....

Profession .....

Registration Number .....

FORM PLUPA/DC/1B (r. 15(1))

THE PHYSICAL AND LAND USE PLANNING ACT

(CAP. 303)

Registered Number of Application .....

APPLICATION FOR DEVELOPMENT PERMISSION (BUILDING PLAN)

TO .....

(Insert Name and address of the appropriate County Government Office)

From .....

Reg Architect(s) No. .....

E-mail .....

Mobile No. .....

P.O. Box .....

Having duly been appointed as the Project Architect(s), I/We submit herewith Building Plans and particulars in a manner prescribed in the Physical and Land Use Planning Act that requires a Licenced Architect submits in accordance to Section 59 of the Act.

Description of Project:

(i) Location details

(a) Municipality .....

(b) Sub County .....

(c) Ward .....

(d) Name of Nearest Road/Street: .....

(e) Name of Area/Estate: .....

(ii) Plot L/R No .....

(iii) Plot Size .....

(iv) Land Tenure:- *(Tick Appropriate Box)* .....

(a) Freehold ☐

(b) Leasehold ☐

(c) Registered community ☐

(d) Share Certificate ☐

(Share certificate to be accompanied by): .....

(i) Sworn Affidavit

(ii) Approved Sub Division

(iii) Beacon Certificate

(v) Conformity of building with approved land use and zoning regulations

(a) Current Land Use .....

(b) Zone .....

(c) Permitted Ground Coverage (%) .....

(d) Permitted Plot Ratio (No) .....

(e) Class of Building (tick where applicable) .....

Residential:

Single Dwelling	☐	Details: .....
Multiple Dwelling	☐	Details: .....
Industrial	☐	Details: .....
Institutional	☐	Details: .....
Commercial	☐	Details: .....
Comprehensive	☐	Details: .....
Other (Specify)	☐	Details: .....

(f) Water supply by .....

(g) Method of Sewerage Disposal .....

(vi) (a) Number of dwellings/units with seperate occupation .....

(vii) Plinth Areas; (For fees calculations only) must include porches, veranda, balconies, garages, swimming pools etc .....

Development Level	*Existing M^2*	*New M^2*
Basements		
Ground Floor/s/		
Mezzanine Floor/s		
1st Floor		
2nd Floor		
3rd Floor		
4th Floor		
Others		
Total (Submissions)		

8. Estimated Cost of the Project

9. Construction Materials of Approved Standard and Specifications:

(a) Foundation .....

(b) External walls .....

(c) Mortar .....

(d) Roof cover .....

(e) Damp proof course .....

(f) Finishes .....

10. In the event of the accompanying plans being required to be amended in any way in order that they may be approved by the County Government, I/We agree that for the purpose of Section 126(c) of the Public Health Act (Cap. 242) that the date of deposit shall be the date on which plans are re-deposited with the County after amendments have been satisfactorily made.

_____

FORM PLUPA/DC/1C (r. 15(1))

THE PHYSICAL AND LAND USE PLANNING ACT

(CAP. 303)

Registered Number of Application .....

APPLICATION FOR DEVELOPMENT PERMISSION (STRUCTURAL/CIVIL ENGINEERING DRAWINGS)

Registered Number of Application .....

Appendix B: Standard Certification by The Qualified Person for Structural Works.

1. In accordance with Regulation 9 of The Building Control Regulations, I, ..., the Qualified Person for structural works appointed under section 8(1)(a) or 11(1)(d)(i) of the Building Control Act., hereby submit the detailed structural plans and design calculations prepared by me and certify that they have been prepared in accordance with the provisions of the Building Control Regulations, the Building Control Act and any other written law pertaining to buildings and construction for the time being in force.

2. I further certify that these detailed structural plans and design calculations are in reference to Project Ref. No: .....

3. Total number of structural plans submitted: ..... and total number of pages of design calculations in this book: .....

.....

Qualified Person for Structural Works *Date*

Signature and Stamp

I hereby indemnify (*having duly completed The Indemnity Form PLUPA/DC/....*) the County Government of .....from any claims that might arise during building construction or as a result of building collapse or loss of life.

FORM PLUPA/DC/1F (r. 15(1))

THE PHYSICAL AND LAND USE PLANNING ACT

(CAP. 303)

Registered Number of Application .....

APPLICATION FORM FOR DEVELOPMENT PERMISSION OF A STRATEGIC NATIONAL PROJECT

To the Cabinet Secretary .....

1.0. Name of Applicant .....

(a) Contacts .....

(b) Physical Address .....

(c) Telephone .....

(d) e-mail .....

(e) Permanent Postal Address .....

2.0 Location of Project

(a) County(s) .....

(b) Sub-County(s) .....

(c) Ward(s) .....

(d) Road .....

3.0 Status of Land

(a) Land Tenure(Public/Private/Community) .....

(b) Acreage (Hectares) .....

4.0 Nature of the project .....

5.0 (1.) Indicate type of development permission sought .....

(2) Indicate the national sectoral policy framework the project will operate under

.....

(3) Indicate the national sectoral legislation the project will operate under

.....

Attach a planning brief, a cadastral plan, architectural designs, civil drawings, structural drawings, Environmental Impact Assessment, Environmental and Social Impact Assessment and Strategic Environmental Assessment reports and any other relevant documents

---

FORM PLUPA/DC (r. 20(j))

THE PHYSICAL AND LAND USE PLANNING ACT

(CAP. 303)

Registered Number of Application .....

AUTHORITY TO ISSUE DEVELOPMENT PERMISSION AND OTHER DEVELOPMENT CONTROL INSTRUMENTS

To .....

County Director of Physical and Land Use Planning

You are hereby authorised to

a) consider the following development application and approve, defer or refuse development permission of:

Application Number .....

Submitted on .....

For permission to, ...

On L.R. No. ..... With coordinates .....

Situated in ..... Road .....

b) issue..... (other relevant development control instruments) with respect to proposed development or existing development on:

On L.R. No. ..... With coordinates .....

Situated in ..... Road .....

Name .....

Signed ..... Date .....

County Executive Committee Member

for Physical and Land Use Planning

c.c. National Land Commission

The Land Registrar.

Director of Surveys

The City/Municipal/Town Manager.

Land Administration Officer

FORM PLUPA/DC/2 (r. 3(3)(xi)

THE PHYSICAL AND LAND USE PLANNING ACT

(CAP. 303)

Registered Number of Application .....

PUBLIC NOTICE NOTIFICATION FOR PROPOSED SUB DIVISION

NOTICE IS HEREBY GIVEN THAT ..... of ..... has applied to ..... for permission to subdivide land situated at [*address of property*) ..... with coordinates ..... a plan of the site and plans and details of the proposed subdivision is deposited ..... and may be inspected free of charge between the hours of ..... and .....* until the ..... day of ....., 20 .....

Any person who wishes to make any representations or objections to the proposed subdivision should serve notice of such representations or objections in writing on .....

P.O. Box ..... not later than ..... day of ..... 20 .....

and shall at the same time submit a copy of such representations or objections by notice served on the undersigned at the address mentioned below.

Signed .....

Dated this ..... day ....., 20 .....

Name of the Registered Planner ..... Reg. No .....

**Not more than fourteen (14) days from the date of the first advertisement shall be allowed for inspection of the plan.*

***Not more than twenty-one (21) days from the date of the first advertisement shall be allowed for the submission of representations and objections*

FORM PLUPA/DC/3 (r. 3(3)(xi)

THE PHYSICAL AND LAND USE PLANNING ACT

(CAP. 303)

Registered Number of Application .....

PUBLIC NOTICE

NOTIFICATION FOR PROPOSED CHANGE OF USER/EXTENSION OF USER/ DENSIFICATION OF USE /EXTENSION OF LEASE/RENEWAL OF LEASE

The registered owner of Plot L.R No ..... located in ..... area, proposes to;

(a) ..... (change use, extend use, density the use) from ..... to ..... subject to approval by the County Government of.....; or

(b) ..... (extend lease, renew lease) subject to approval by the County Government of .....

Individuals, institutions, members of the public etc. with comments and or objections to the proposal are requested to forward them in writing within fourteen (14) days of this notice to:

The County Executive Committee Member

County Government of .....

P.O. Box .....

Name of the Registered Planner ..... Reg. No .....

FORM PLUPA/DC/4 (r. 3(1))

THE PHYSICAL AND LAND USE PLANNING ACT

(CAP. 303)

PUBLIC NOTICE

NOTIFICATION FOR PROPOSED CHANGE OF USER/ EXTENSION OF USER / DENSIFICATION OF USE / EXTENSION OF LEASE/ RENEWAL OF LEASE

The registered owner of this plot No. ..... in ..... area proposes to;

a) Change/ extend/ density its use from ..... to.....

b) Extend/ Renew Lease

SUBJECT TO A PPROVAL BY THE COUNTY GOVERNMENT OF..... IN DIVIDUALS, IN STITUTIONS OR MEMBERS OF THE PUBLIC WITH COMMENTS AND OR OBJECTIONS TO THE PROPOSAL ARE

REQUESTED TO FORWARD THEM IN WRITING WITHIN FOURTEEN (14) DAYS OF THIS NOTICE TO:

The County Executive Committee Member,

County Government of .....

P.O Box .....

.....

Dated: .....

Name of the Registered Planner ..... Reg. No. .....

FORM PLUPA/DC/5 (r. 5 (1))

THE PHYSICAL AND LAND USE PLANNING ACT

(CAP. 303)

SUBMISSION CERTIFICATE

County Government of .....

Department/Section of Physical and Land Use Planning .....

On ..... Before .....

(Name and Title of the Officer),

Personally/electronically received the application Ref No ..... on Plot L.R No ..... located along ..... Road in ..... area, ... Sub-County for the proposed ..... hereby acknowledge receipt of the application with the attachments mentioned below:

(a) .....

(b) .....

(c) .....

(d) .....

(e) .....

(f) .....

Name of the Applicant .....

ID No of the Applicant .....

Registration No of Registered Professional .....

This certificate will be deemed to be an approval, where the applicant does not receive written response to this application within 60 Working Days as per the provisions of Section 58 (6) of this Act.

Name of the Receiving Officer .....

Designation .....

Signature .....(Stamp)

CC:

County Executive Committee Member

The Applicant

FORM PLUPA/DC/6A (r. 20)

THE PHYSICAL AND LAND USE PLANNING ACT

(CAP. 303)

CIRCULATION SHEET (GENERAL)

RECEIPT DATE & STAMP	COUNTY GOVERNMENT OF	Sub County Code	PLAN REGISTRATION NUMBER
Received By:	SUBMITTED PLANNING CIRCULATION SHEET	Pre-Vetting By:	

DEVELOPER PARTICULARS	DESCRIPTION OF DEVELOPMENT				TYPE OF SUBMISSION
Name;	Change of user		Plot No		Preliminary
PO Box:	Ext of Use		Plot Size (Ha)		Full
	Ext of Lease		Estate/Area		Complimentary
Telephone	Master Plan		Road/ Street		Amendment
	Detailed Planning				Regularization
SUBMITTING PLANNER	Ext of Lease		Ward		FEES & CHARGES
Name:	Subdivision		No of subplots		
Reg No:	Amalgamation				
P.O. Box:	Out door Advert		Type of structure		
	Structure				
Telephone:					
E- mail:					

			TOTAL	

CIRCULATION						First	
						Second	
STAGE	DAYS	Dept.		MONITOR	ACTIVITY	RESPON-SIBLE	DATE
1	5	Physical Planning			Circulation Recording Dispatch/ Receiving Zoning/ Requirements Planning Standards Riparian Reserves		
2	2	Environment			Environmental Standards		
3	3	Public Health			Public Health By-Laws Commenting		
4	3	Engineering/ Public Works			Roads & Related Infrastructure		
5	3	Survey			Survey Boundaries Easement of Way leaves		

6	3	Lands			Encumbrances Caveats Ownership Status		
7	2	Water & Sewerage			Sewage Lines Bio Box Capacity		
8	5	KENHA/ KERRA/ KURA			Classification, Road Size		
RECOMMENDATION FOR APPROVAL							
Agenda Item No.		Technical Committee Meeting Date			Signed: ..... Name: ..... The Director, Lands, Housing and Physical Planning Date:		

	Conditions of Development Approval	
i	Submission of satisfactory buildings plans within one year and completion of construction within two years otherwise the approval lapses;	
ii	Payment of revised ground rent as will be determined by the National Land Commission;	
iii	Payment of revised rates as will be determined by the Director o f Valuation— County Government of;	
iv	The land must be free from any encumbrances and/or any disputes;	
v	Subject to compliance of the Physical Planning Act;	
vi	Subject to Compliance with Zoning Policy of the County Spatial Plan;	
vii	Subject to provisions of appropriate setback(s) as per Building Code;	

viii	Subject to provisions of adequate and functional onsite parking to the satisfaction of the Chief Officer, Roads, Transport and Public Works;	
ix	Subject to traffic management report for the development to be prepared and submitted to the County Chief Officer - Roads, Transport and Public Works for approval before commencement of the works;	
x	Subject to Civil Engineering drawings being submitted for approval by Chief Officer Roads, Transport and Public Works for approval before commencement of the works;	
xi	Subject to submission of water supply and sewerage reticulation designs to the Chief Officer - Water, Environment and Natural Resources;	
xii	Change of user/extension of user/sub divisions should be effected within one year otherwise the approval lapses;	

_____

[1]*See approval conditions overleaf*

Survey
Lands
Water & Sewerage
KENHA/KERRA/KURA
Physical Planning
Environment
Public Health

Survey
Engineering/Public Works

_____

FORM PLUPA/DC/6B (r. 20(5))

THE PHYSICAL AND LAND USE PLANNING ACT

(CAP. 303)

CIRCULATION SHEET (BUILDING PLAN)

RECEIPT DATE & STAMP	COUNTY GOVERNMENT OF	Sub County Code	PLAN REGISTRATION NUMBER
Received By:	SUBMITTED ARCHITECTURAL PLANS CIRCULATION SHEET	Pre-Vetting By:	

DEVELOPER PARTICULARS	DESCRIPTION OF DEVELOPMENT				TYPE OF SUBMISSION	
Name:	Residential Class		Plot No		Preliminary	
P O Box:	Commercial/Offices Class		Plot Size (Ha)		Full	
Telephone:	Industrial/ Warehouse Class		Estate/Area		Complementary	
			Road/Street		Amendment	
SUBMITTING ARCHITECT	Institutional/ Public Class		Ward		FEES & CHARGES	
Name:	Zone		Value		Plinth	
Reg No :			Plinth Area $(M)^2$	Estimated	Site Board	
P O Box:	Plot Coverage			Confirmed	Infrastructure	
			Sewage Disposal	Sewer	Occupation Cert	
Telephone:	Plot Ratio			Conservancy	Hoarding	
Email:					Total	

CIRCULATION					First / Second		
STAGE	DAYS	Dept.		MONITOR	ACTIVITY	RESPONSIBLE	Date
1	5	Architect-Development Control		. Circulation Recording . Dispatch/Receiving . Density & Coverage Verification . Building By-Laws			
2	3	Public Health		. Public Health By-Laws			

3	5	Engineering/Public Works	Roads Structural Fire Mechanical		. Roads & Related Infrastructure		
4							
5							
FOR APPROVAL[2]							
Agenda Item No.		Technical Committee Meeting Date		Signed:..... Name: ..... The Director, Lands, Housing and Physical Planning Date:.....			

Conditions of Building Plans Approval		
i	Submission of satisfactory structural designs and calculations;	
ii	Submission of certificate as to workmanship;	
iii	Submission of satisfactory plumbing and drainage details;	
iv	Submission of satisfactory electrical and ICT scheme designs;	
v	Submission of satisfactory mechanical ventilation scheme;	
vi	Submission of drawings for ground soakage septic tank or conservancy tank to be approved and constructed to the satisfaction of the County Chief Officer - Roads, Transport and Public Works;	
vii	Satisfactory surface water drainage to be agreed on site;	
viii	All debris and excavated materials to be dumped on site approved by the County Chief Officer - Water, Environment and Natural Resources;	
ix	Canopy approval;	

x	Replacement of cut down trees and landscaping implementation to the satisfaction of the County Chief Officer - Water, Environment and Natural Resources;	
xi	Satisfactory canalization of river to the approval and satisfaction of the County Chief Officer - Water, Environment and Natural Resources;	
xii	Structures coloured yellow to be demolished and debris dumped on site approved by the County Chief Officer - Water, Environment and Natural Resources;	
xiii	Strip of land coloured blue being reserved for road widening;	
xiv	Temporary access to the plot to be constructed/provided to the satisfaction of the County Chief Officer - Roads, Transport and Public Works;	
xv	Road frontage landscaping scheme to be approved and implemented to the satisfaction of the County Chief Officer - Roads, Transport and Public Works;	
xvi	Subject to traffic management report for the development to be prepared and submitted to the County Chief Officer - Roads, Transport and Public Works for approval before commencement of the works;	
xvii	The land must be free fr om any encumbrances and/or any disputes;	
xviii	The developer obtaining the required completion/occupation certificate;	
xix	Compliance with the approved Zoning Policy and approved physical and land use development plans	
xx	Compliance with prescriptions of the National Building code	
xxi	Compliance with conditions from the relevant national highway authority for development directly accessing national trunk roads	
xxi	The development not falling within an existing/designated electricity power or any other way leave;	
xxii	Pre-treatment of all effluents to the satisfaction of the County Chief Officer - Water, Environment and Natural Resources before discharge to the Public Sewer;	

xxiii	Treatment of all effluents to the satisfaction of the County Chief Officer - Water, Environment and Natural Resources before discharge to the Natural Water Course;	
xxiv	Permit for hoarding, scaffolding or erection of cranes	

Architect - Development Control	
Permitted Ground Coverage Permitted Plot Ratio Car Parking Requirements Other Requirements	Actual Ground Coverage Actual Plot Ratio Car Parking Provision
Public Health	
Engineering/Public Works	
Public Health	
Engineering/Public Works	

FORM PLUPA/DC/7A (r. (20)(6))

COUNTY GOVERNMENT OF ....

General Circulation Register

<table>
<tr><td colspan="42">NOTE: ALL PLANS MUST BE ENTERED IN THE REGISTER</td></tr>
<tr><td colspan="15">PLANNING</td><td></td><td colspan="24">CIRCULATION</td><td colspan="2">PLANNING</td></tr>
<tr><td></td><td colspan="3">COL. 1</td><td colspan="4">COL. 2</td><td colspan="3">COL. 3</td><td colspan="2">COL. 4</td><td>COL. 5</td><td>COL. 6</td><td></td><td colspan="3">COL. 7</td><td colspan="3">COL. 8</td><td colspan="3">COL. 9</td><td colspan="3">COL. 10</td><td colspan="3">COL. 11</td><td colspan="3">COL. 12</td><td colspan="3">COL. 13</td><td colspan="3">COL. 14</td><td>COL. 15</td><td>COL. 16</td></tr>
<tr><td rowspan="2">INDEX NO</td><td colspan="3">PLAN DETAILS</td><td colspan="4">SITE DESCRIPTION</td><td colspan="3">PLANNER</td><td colspan="2">OWNER/ DEVE-LOPER</td><td rowspan="2">NATURE OF APPLICATION</td><td rowspan="2">RECEIVED BY :</td><td rowspan="2">INDEX NO</td><td colspan="3">PUBLIC HEALTH</td><td colspan="3">ENVIRONMENT</td><td colspan="3">SURVEY</td><td colspan="3">ENGINEERING</td><td colspan="3">LANDS</td><td colspan="3">WATER & SEWERAGE</td><td colspan="3">KENHA</td><td colspan="3">ENGINEERING ROADS</td><td>APPROVED</td><td>MISCELLANEOUS COMMENTS</td></tr>
<tr><td>DATE</td><td>PLAN REG NUMBER</td><td>FEE PAID (KSHS.)</td><td>SUB COUNTY</td><td>PLOT NO.</td><td>LOCALITY</td><td>ROADSTREET</td><td>NAME</td><td>REG. NO.</td><td>MOBILE NO.</td><td>NAME</td><td>ADDRESS BOX NO.</td><td>RECEIVED BY :</td><td>DATE RECEIVED</td><td>DATE DISPATCHED</td><td>RECEIVED BY :</td><td>DATE RECEIVED</td><td>DATE DISPATCHED</td><td>RECEIVED BY :</td><td>DATE RECEIVED</td><td>DATE DISPATCHED</td><td>RECEIVED BY</td><td>DATE RECEIVED</td><td>DATE DISPATCHED</td><td>RECEIVED BY</td><td>DATE RECEIVED</td><td>DATE DISPATCHED</td><td>RECEIVED BY :</td><td>DATE RECEIVED</td><td>DATE DISPATCHED</td><td>RECEIVED BY :</td><td>DATE RECEIVED</td><td>DATE DISPATCHED</td><td>RECEIVED BY :</td><td>DATE RECEIVED</td><td>DATE DISPATCHED</td><td>DATE</td><td></td></tr>
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FORM PLUPA/DC/7B (r. (20)(6))

COUNTY GOVERNMENT OF .....

BUILDING PLANS CIRCULATION REGISTER

ARCHITECTURAL									CIRCULATION														ARCHITECTURAL & DEVELOPMENT CONTROL			
	COL. 1	COL. 2		COL. 3		COL. 4		COL 5	COL 6		COL. 7		COL. 8		COL. 9		COL. 10			COL. 11		COL. 12				
INDEX NO	PLAN DETAILS	SITE DESCRIPTION		PLANNER		OWNER/DEVELOPER		NATURE OF APPLICATION	RECEIVED BY :		PUBLIC HEALTH		ENGINEERING		SURVEY		OTHER SPECIFY			APPROVED		MISCELLANEOUS COMMENTS				
	DATE	SUB COUNTY		NAME		NAME					RECEIVED BY :		RECEIVED BY :		RECEIVED BY :		RECEIVED BY :			DATE						
	PLAN REG NUMBER	PLOT NO.		REG. NO.		ADDRESS BOX NO.					DATE RECEIVED		DATE RECEIVED		DATE RECEIVED		DATE RECEIVED									
	FEE PAID (KSHS.)	LOCALITY		MOBILE NO.							DATE DISPATCHED		DATE DISPATCHED		DATE DISPATCHED		DATE DISPATCHED									
		ROADSTREET																								

_____

FORM PLUPA/DC/8 (r. 21(3)(a))

THE PHYSICAL AND LAND USE PLANNING ACT

(CAP. 303)

Registered Number of Application .....

NOTIFICATION OF APPROVAL/REFUSAL/DEFERMENT OF APPLICATION

To .....

Your application number as above, submitted on .....

For permission

to .....

.....

L.R. a Parcel No..... With coordinates .....

Situated in..... Road .....

Has been ..... by the County Executive Committee Member

On (date) .....

for the following reasons/subject to the following conditions:

(a) .....

(b) .....

(c) .....

(d) .....

Name .....

Signed ..... Date .....

County Director of Physical Planning .....

c.c.

The National Land Commission, Nairobi.

The Land Registrar.

The City/Municipal/Town Manager.

The Director-General-Physical and Land Use Planning, Nairobi.

The Director of Surveys, Nairobi.

APPROVAL CONDITIONS

1. When considering applications for subdivisions the County Government may impose conditions of approval in respect of the matter enumerated below, and after implementation of such approval the conditions shall be binding upon the owner, successors and assigns;
2. When considering applications for building plans, a planning authority shall adhere to specifications contained in the National Building Code.
3. The type and form of development to be carried out or permitted and the size, form and situation of holding and the conditions on which such holdings may be transferred.
4. The surrender of land for roads and public purpose or for other purposes referred to in the Act section 55 and Third Schedule (7) which shall be surrendered to the National or relevant county government free of cost and managed by the National Land Commission.
5. The character and type of roads and publie utilities or other works, including the standard of construction and/or maintenance of a road, water supply, drainage and sewerage works which are to be undertaken and completed by the applicant for subdivision at the applicant's cost.
6. Provision as to the forms of security to be given by the applicant of any conditions imposed and provision as to the right of the local authority to carry out any such conditions at the expenses of the applicant.
7. The co-ordination of the subdivision of contiguous properties in order to ensure the proper development of such properties.
8. The transfer free of charge to National Government or County Government of any land reserved in accordance with the provisions of this Act hereof may be by the applicant.
9. The registration by the applicant of any conditions imposed in the deed of the title of the property.

FORM PLUPA/DC/9 (r. 21(6))

THE PHYSICAL AND LAND USE PLANNING ACT

(CAP. 303)

Registered Number of Application .....

SURRENDER OF LAND FOR PUBLIC PURPOSE

To The Chairman National Land Commission

An application for development permission was presented by ..... on ..... with respect to L.R. a Parcel No. ..... Situate in ..... road ..... The application was approved on ..... (date) ..... by the County Executive Committee Member responsible for matters related to physical and land

use planning County Government of ..... subject to surrender free of cost to the County Government of ..... the following:

(a) ..... hectares for use as .....

(b) ..... hectares for use as .....

(c) ..... hectares for use as .....

(d) ..... hectares for use as .....

(e) ..... hectares for use as .....

as indicated in the attached certified approved plan number .....

Date ..... Name in full .....

Signed .....

County Executive Committee Member

County Government of .....

c.c.

The Chief Land Registrar.

The Director-General of Physical and Land Use Planning

The Director of Surveys

The Director of Land A dministration in the Ministry responsible for land matters

Other relevant Agencies

FORM PLUPA/DC/10 (r (7)(5))

THE PHYSICAL AND LAND USE PLANNING ACT

(CAP. 303)

Registered Number of Application .....

CERTIFICATE OF COMPLIANCE

Certificate No. .....

Name and Address of Applicant .....

Type of Development (Industrial, Commercial, etc.) .....

On L.R./Parcel No. ..... with coordinates ..... situated in .....

Road ..... locality (City, Municipality, Township, etc.)

Received from ..... (County Government) by ..... Ref. No. ..... of .....

This is to certify that the application above is in compliance with:

(a) Approved Development Plan No.

(b) Approved Subdivision Plan/Advisory Plan No.

(c) Special conditions specified in the Notification of Approval Form PLUPA .....

dated ..... day of ..... 20 ..... with respect to Registered Application No.....

Issued by .....

(Name of Officer)

.....

Sign

County Director of Physical Planning

For: County Executive Committee Member

Department Seal

FORM PLUPA/DC/11 (r. 15(2))

THE PHYSICAL AND LAND USE PLANNING ACT

(CAP. 303)

Registered Number of Application .....

NOTICE FOR ISSUANCE OF OCCUPATION CERTIFICATE

To:

Your application for Occupation Certificate submitted on: .....

LR. No. .....

Plot Coordinates .....

Situated in .....

has been received and considered for issuance of:

(a) Temporary Occupation Certificate valid for .....

Subject to the following conditions:

.....

.....

Permanent Occupation Certificate

Subject to the following conditions:

.....

.....

.....

(Temporary to be issued for temporary buildings, incomplete buildings certified fit for partial occupation while permanent occupation will be issued for permanent buildings fully constructed and certified fit for occupation)

Name in full .....

Sign .....

Date .....

Designation .....

For: County Executive Committee Member

Cc:

County Architect

County Engineer

County Public Health officer

FORM PLUPA/DC/12 (r. 16(3))

THE PHYSICAL AND LAND USE PLANNING ACT

(CAP. 303)

Registered Number of Application .....

NOTIFICATION OF REVOCATION OF DEVELOPMENT PERMISSION

To: .....

.....

Your approval number ..... issued on .....

For permission to ..... on ..... L.R. a Parcel No ..... Situated in ..... Road ..... has been revoked on date (date) ..... by the .....

For the following reasons/subject to the following conditions:—

(a) .....

(b) .....

(c) .....

(d) .....

(e) .....

Date ..... Name in full .....

Signed .....

County Executive Committee Member

County Government of .....

Cc:

Cabinet Secretary, Ministry of Lands and Physical Planning, Nairobi

National Land Commission.

Director-General of Physical Planning, Nairobi

The Director of Surveys, Nairobi.

The Land Registrar

County Secretary

FORM PLUPA/DC/14 (r. 25(1))

THE PHYSICAL AND LAND USE PLANNING ACT

(CAP. 303)

Registered Number of Application .....

COMMENCEMENT NOTICE FOR DEVELOPMENT

Approval Ref No: .....

Submission Certificate No .....

1. I, hereby give notice that I intend to carry out the development as per;

   a. the development permission and that I shall comply with the conditions as well as notify the County Government to undertake inspections at each stage as they County may prescribe.

   b. Provisions of section 58(6) of the Act, where sixty days from the date of submission of application have lapsed.

   (Delete as appropriate)

   The development shall commence on ..... day of ..... 20.....

   Name of Applicant(s): .....

   Sign..... Date .....

   Address: ..... Tel: .....

Email: .....

Enclosures

1. Copy of the submissions certificate (where approval not granted)
2. Copy of the National Construction Authority Compliance Certificate No (Where applicable) .....
3. Copy of the Environmental Impact Assessment (EIA) License (Where applicable) .....

Cc:

National Construction Authority

Architectural Association of Kenya

National Environmental Management of Kenya

Kenya Institute of Planners

Institution of Surveyors of Kenya

FORM PLUPA/DC/15 (r. 25(2)(C)

THE PHYSICAL AND LAND USE PLANNING ACT

(CAP. 303)

Registered Number of Application .....

NOTICE OF INSPECTION

Ref No. .....

Date .....

The owner .....

REGISTRATION NO: .....

BUILDING NAME:.....

PLOT NO. L.R.: .....

STREET/ROAD: .....

TOWN .....

To ensure that the proposed project is implemented in conformity with the development permission No. ..... granted on ..... day of ..... 20 ....., the planning authority wishes to visit the project site on ..... day of ..... 20 ..... for purposes of;

a) Confirming compliance with conditions granted in the development permission

b) Identifying any material variations from the development permission,

c) Authorizing implementation of the next phase of the project

Name in full .....

Sign .....

Date .....

Designation .....

For County Executive Committee Member.

SECOND SCHEDULE [r. 22, 29]

CONDITION FOR DEVELOPMENT PERMISSION

Part I

The development specified in the first column is permitted subject to the conditions set against in the second column:

DEVELOPMENT	CONDITIONS
Description of Development Conditions	1. The height of such buildings shall not exceed the height of the original dwelling house.
Class I—Development within the cartilage of dwelling-house.	2. Standard conditions Nos. 1 and 2.

(a) The enlargement, improvement or other alterations of a dwelling-house materially affecting the external appearance of the building so long as the cubic content of the original dwelling house (as ascertained by external measurement) is not exceeded by more than 50 cubic meters or one-tenth whichever is the greater subject to a maximum of 133 cubic meters,	
(b) construction within the curtilage of a hard surface for a purpose incidental to the enjoyment of the dwelling house	
Class II—Sundry minor operations	Standard condition Nos. 1, 2, 3 and 4.
l .The erection or construction of gates fences walls or construction of enclosure not being within the cartilage of a dwelling-house not exceeding two meters in height and the maintenance, improvement or other alterations of such gates, fences, walls or other means of enclosure, except on the road transaction.	No improvement or alteration shall increase the height above the height prescribed by the planning authority No operations carried out shall materially affect the external appearance of the premise
2. The painting of the exterior of any building or work otherwise than for the purpose of advertisement	Standard condition Nos. 1, 2, 3 and 4.
Class III—Change of user	Standard conditions 1, 2, 3 and 4
Development consisting of a change of use to:	
(a) (i) Use of a light industrial building defined by the Physical and Land Use Planning Hand Book or guidelines and circulars issued by the cabinet secretary under section 10(b) of the Act.	
(ii) Use of a general industrial building as so defined;	
(b) Use as any type of shop except—	
(i) a drive-in shop;	
(ii) a fast foods shop;	
(iii) a butcher shop;	
(iv) a shop for the sale of pet animals or birds,	

(iv) a shop for the sale of motor vehicles from use as any type of shop.	
(v) Mobile money transfer with a booth not exceeding 3 square meters	
Class IV— (a) Temporary buildings and uses	Such buildings and structures shall be removed at the expiration of that period and where they were sited on any such adjoining land, that land shall be reinstated
The use of land for any purpose for not more than twenty-eight (28) days in total in any calendar year, and the erection or placing of movable structure on the land for the purposes of the permitted use.	Standard conditions 1, 2, 3 and 4
(b) Provision of movable structures, plant or machinery required temporarily for the duration of permitted operations being carried out on land	
Class V—Development for industrial purposes	Standard conditions Nos. 1 and 2.
The deposit by an industrial undertaker if the waste material or refuse resulting fr om an industrial process on any land comprised in a site which was used for such deposit otherwise than in contravention of previous planning control, on the appointed day.	
Class VI—Repairs to roads and ways	Standard conditions Nos. 1 and 2.
The carrying out of works required for maintenance or improvement of roads or ways not under the control of a highway authority being works carried out on land within the existing limits of such roads or ways.	
Class VII Repairs to infrastructure by competent authorities	Standard condition Nos. 1, 2, 3 and 5.
The carrying out of any works for the purpose of inspecting, repairing, or renewing sewers, mains, pipes, cables or other apparatus, including the breaking open of any land for that purpose.	The relevant agency shall notify the county government of its intention to commence erection, construction, maintenance, emergency repairs improvement or other alteration works. The county government shall inform persons ordinarily resident in the affected areas of the time the work will commence

Class VIII—Rebuilding of existing buildings and plant, the rebuilding, restoration or replacement of buildings, works or plant which were in existence on the appointed day	1. The cubic content of the works or plant shall not be increased by more than ten per centum. 2. There shall be no material alteration fr om the external appearance, as on the appointed day except with the approval of the planning authority
Class IX—Development by a county government or statutory undertaker	3. Standard conditions Nos. 1, 2 and 3.
1 . (i) The erection, construction, maintenance, emergency repairs improvement or other alteration by the National or respective county government, road agencies as established under the Kenya Roads Act (Cap. 408), public utilities bodies, ICT works:	The relevant agency shall notify the county government of its intention to commence erection, construction, maintenance, emergency repairs improvement or other alteration works. The county government shall inform persons ordinarily resident in the affected areas of the time the works will commence
(ii) Such buildings, works and equipment as are required on land belonging to or maintained by them for the purposes of any related and appropriate functions exercised by them on that land;	
(iii) Development carried out by the National or county government under Article 66 in the interest of defence, public order, public morality, public health or land use planning	
(iv) Lamp stands, fire alarms, public drinking fountains, street name plates, refuse bin or baskets, information kiosks, passenger shelters, street public shelters and seats, barrier for the control of persons who are waiting to enter public vehicles and such other similar structures or works as may be required in connection with the operation of any public service.	Standard condition No. 2.
2. The deposit by a county government of waste material or refuse on any land comprised in a site which was used for that purpose otherwise than in contravention of planning permission.	Standard condition No s. 1 an d 2.

Part II – STANDARD CONDITIONS

1. This permission shall not authorize any development which involves the formation laying out or material widening of a means of access to a trunk or county road or a public street as defi ned in the Kenya Roads Act (Cap. 408).
2. No development shall be carried out which creates an obstruction to the view of persons using any road used by vehicular traffic at or near any bend corner, junction or intersection of any roads so as to be likely to cause danger to such persons.
3. No part of any building shall project beyond any building line laid down for the holding or plot.
4. The planning authority will prescribe colour of paint for exterior surface of buildings.
5. Compliance with national and county specific physical and land use policies including the National Physical and Land Use Development Plan, relevant Inter county Physical and Land Use Plans, relevant county physical and land use development plans.

Part III

This part shall apply only to areas where there is an approved physical and land use development plan including a redevelopment or renewal plan.

DEVELOPMENT	CONDITIONS
Class X— Conforming Development	1. In residential use zones for the erection of dwelling-houses only, the subdivision of land shall not be less than approved plot sizes.
Where a layout or subdivision plan has been lawfully approved and any conditions contained in such approval fulfilled the erection in any zone of purpose for which the permission of the planning authority is not normally required by the approved written document.	2. The planning authority is satisfied that adequate provision for parking, loading and unloading of vehicles in the ease of industrial and commercial buildings or uses has been made.
	3. The approval of the planning authority to the external design appearance and materials in the case of commercial buildings and use has been obtained.
	4. For buildings fronting the main road, uniformity and character of the facade is maintained.
	5. If the development is likely to adversely affect any land in the area of a county or is likely to create or attract traffic which will result in a material increase in the volume of traffic entering or leaving a main road or using a level crossing over a railway, evidence of relevant authority shall be provided.

	6. The developer shall before commencement of development inform the planning authority in writing of the intention and date of commencement of development.
CLASS XI - Use for agriculture and forestry	
The use of land for purpose of agriculture or forestry including afforestation, use of buildings on land for any of those purposes, is not a development, but excludes, erection of greenhouses, engineering and mining works, processing agricultural or forest raw products	
Tree preservation order to ensure the progressive attainment of the constitutional requirement of ten percent tree cover.	10 The planning authority may in order to preserve amenity of human settlements impose conditions for approval of development,
Instruments that are binding on planning authorities when considering development applications	11. (a) A planning authority shall in considering a development application be bound by:—
	(i) The National Land Use Policy and other relevant national policies
	(ii) National standards and norms on physical and land use planning
	(iii) The National Physical and Land Use Development Plan
	(iv) Approved inter county physical and land use development plans
	(v) Approved county physical and land use development plans
	(vi) Approved local physical development plans
	(vii) Approved special area plans
	vii) Gazette policy statements, guidelines and circulars on general and specific aspects issued by the cabinet secretary from time to time

	(viii) County Policies formulated by the County Executive Committee member
	(ix) treaties or conventions ratified by Kenya
Material consideration	12. (a) material consideration shall be considerations of a planning nature.
	(b) A planning authority shall in considering a development application have regard to:—
	(i) Specific sitting of buildings, their number, height, design characteristics, means of access, impact on neighboring land, availability of infrastructure, safeguarding land that may in future be required for road widening, preservation of structures or landscapes of historical significance, whether a proposed development may be detrimental to amenity and requirement of public safety, possible effects on viability of a neighborhood possibility of creating an of fence to neighbors, protection of character of a human settlement, pedestrian and vehicular traffic considerations and communications.
	(ii) Degree to which activities on each site are related even if geographically separated, and international best practices
	(c) The following are not material considerations:—
	(i) Likelihood of creating or enhancing competition in business including protection of individual businesses.
	(ii) Financial viability of a development except if refusal of development may result in structures or land degenerating into a derelict state or if a development is likely to facilitate other development generate fund
Planning authorities to give reasons for decisions	13. (i) Where a planning authority grants permission for development subject to specified conditions, the planning authority shall provide reasons for each condition imposed and specify policies, plans, standards and other material considerations relevant to the decision.
	(ii) Where a planning authority refuses to approve a development, the planning authority shall provide reasons for refusal to approve a proposed development and shall in addition, specify policies, plans, standards and other material considerations relevant to the decision .

Strategic Environmental Assessment	14. (a) Any physical and land use development plan which sets a framework for use and development of land, shall be subjected to a Strategic Environmental Assessment (b) A proposed development requires a Strategic Environmental Assessment if:— (i) it is likely to significantly affect the environment due to its nature, size or location (ii) its importance transcends beyond a local geographical area (iii) it is situated in an environmentally sensitive area (iv) it may have potentially hazardous effect (v) It is a strategic national or intercounty project classified under regulations made by the cabinet secretary under section 69(3) of the A ct. 15. The following types of development require a Strategic Environmental Assessment Type of development Threshold Greenhouses - Area of development exceeds ...Hectares Reclamation of land - All development Mining and quarrying - All development Construction of buildings - All development except construction of ancillary structures where the new development does not .... Square.. Energy production Processing electronic, All Development radioactive Biodegradable and non-biodegradable - All Development Waste Processing food products - The area of floor space exceeds .... square meters

	Development - All development that involves processing, basic substances, blending inorganic or organic compounds, storage and distribution of chemical substances or compounds. Infrastructure projects that include All development Roads, railways, oil and gas installations, airports, harbors, dykes, jetties, sea walls, stadia, industrial parks, housing projects, malls, establishment of artificial islands, development on territorial sea, exclusive economic zone
Criteria for determining likely effects of development on the environment	15. The planning authority shall in determining whether a project requires a Strategic Environmental Assessment have regard to: (a) Whether the proposed development influences other projects (b) Possible duration including and reversibility of effects (c) Possible magnitude and spatial extent, impact on landscapes with identifiable international, national county and sub county significance, cumulative, trans boundary, risks to human, flora, fauna
CLASS XII - Development control for conservation areas	16. (a) where development on a conservation area is deemed permitted in connection with pipelines and transport works, the planning authority must determine whether the permission should be reviewed, and the extent to which the development is likely to negatively affect the integrity of land. The planning authority shall conduct stakeholder meetings before allowing a developer to commence development. (b) where development falls within an area gazetted as a conservation area under an international convention or treaty ratified by Kenya, the planning authority shall refer the application to the cabinet secretary for policy guidance under section 10 of the Act
XIII-Ancillary development (a) A development or use of land and buildings that is ancillary to the primary use is permitted	Standard condition Nos. 1, 2, 3, 4 and 5 including guidelines issued fr om time to time by the cabinet secretary and county specific policies on physical and land use planning formulated by the county executive committee member under sections under sections 10 and 17 of the Act respectively

(b) Planning authorities shall determine whether a development is ancillary to the dominant or primary use or not on a case by case basis	(i) In principle, the right to use land for a dominant or primary purpose includes the right to use i t for any purpose which is ancillary. (ii) A development is ancillary to the primary or dominant use if it is merely part of the primary or dominant use and if the land and buildings are together used for a single dominant or primary purpose. (iii) The purpose determines the character of the use of the whole unit, without regard to any ancillary uses to which individual parts of the unit may be put. (iv) If an ancillary use is likely to become a primary use, a material change may take place, hence development permission is required. (v) If the use of land or buildings is not incidental or ancillary to the primary use, then if the use is material, planning permission is required

DEVELOPMENT	**CONDITIONS**
XIV (a) Use classes Classification of uses aim at ensuring compatibility of uses to enhance amenity and reduce detrimental effect on neighbourhoods (b) (i) Use of land or building within the same class does not require an extension or change of user, however use between classes or a category within a specified class requires permission form the planning authority (ii) Notwithstanding (i), county governments may impose conditions based on county specific policies on physical and land use planning formulated under section 10 of the Act (c) As a general rule county government should not license activities in classes that are not compatible 1.Class A 1- Informal sector including hawkers, shoe shiners shoe repairers, hawkers and street vendors	

C lass A 2 - Kiosks

Class A 3 -shops and retail outlets

(i) Courier and tickets outlets

(ii) Shops where goods and services are sold including mobile cash outlets

(iii) Florists

(iv) Merchant shops

(v) Saloons and barber shops

(vi) Laundry and dry cleaning

(vii) Display of furniture, clothes

(viii) Premises where domestic or personal goods are hired

(ix) Cyber cafe

(x) Groceries for of site consumption

A4 Hardware outlets

CLASS A5- SUPERMARKETS

(i) Hyper Supermarkets mot e than 10,000 meter square

(ii) Mega supermarkets 3001 to 10,000 meter square

(iii) Large trader shops 300 to 3000 square meters

2, GLASS B premises where die public visits for professional services, financial and insurance services, chemists, pharmacists and non invasive medical laboratories including any other service that the planning authority deems

appropriate for the location

4 . CLASS C INFORMATION AND COMMUNICATIONS

(a) Sale of computers and computer accessories including repair of computers

(b) Sale of cellphones

(c) Sale of radios and television sets

(d) Sale of telecommunication equipment

CLASS D MACHINERY

D1 - Earth moving machinery

D 2 - Sale of motor vehicles

D3 - Sale of agricultural and power plants

CLASS E ENERGY

(a) Sale of batteries

(b) Sale of solar panels

(c) Sale of electrical installations

CLASS F I

• Petrol service stations

CLASS F 2

• Petrol filling stations

CLASS G 1

Universities

CLASS G 2

Post-secondary institutions

CLASS G 3

Post primary education

CLASS G 4

Secondary education

CLASS G 5

Primary

Schools

CLASS G 6

Early childhood institutions

3. CLASS H I Eateries for food and drink to be consumed cold onsite

CLASS H 2 Fast foods and take away including butcheries

CLASS H 3 Butcheries

CLASS J Alcoholic drinks

CLASS K - Hotels, hostels and guest houses,

CLASS L - Cinema halls, gymnasiums, casinos, night clubs,

betting shops

CLASS M l - Hospitals,

M 2 - Nursing homes

M 3- invasive laboratory services,

M 4 funeral homes

CLASS N Veterinary services

(a) Hospital

(b) Outpatient clinic

CLASS P - scrap metal yards, recycling of non-bio degradable

material

CLASS Q - garages, car wash sites

CLASS R - automobile spare parts outlets, hardware, sale of lubricants

CLASS S- sale of motor vehicles and agricultural machinery

CLASS T - theatres, fanfare and amusement parks

CLASS U 1 - Processing of human food products

CLASS U 2 Processing animal feeds

CLASS V Processing and storage of organic and inorganic chemical substances

CLASS W1 Processing and storage of radio active substances

CLASS W2 incineration, disposal of biomedical and chemical wastes

XV (a) Demolition of buildings or structure aimed at compliance with county specific physical and land use

planning policies and approved physical and land use plans is permitted subject to the conditions set out in the Third Schedule. The person who intends to undertake demolition under this paragraph, shall in writing notify the county executive committee member fourteen days before

commencement of works

(b) Demolition of any building the cubic content of which measured externally does not exceed 50 cubic meters

(c) Demolition of the whole or any part of any gate, fence, wall or other means of enclosure except in heritage areas declared or deemed to have been declared under the National Museums and Heritage Act (Cap. 216).

(d) Permitted demolition shall comply with conditions listed in the Third Schedule.

THIRD SCHEDULE [r. 8(1)]

PREPARATION OF SUBDIVISION OR AMALGAMATION SCHEME

1. Compliance with the approved EIA & A Report

i. Compliance with relevant national and county specific policies on physical and land use planning

ii. Compliance with relevant physical and land use development plans

iii. To repair and make good any damage to adjacent building or structure caused by the demolition or negligent act or omission of any person engaged in it

iv. To remove material or debris resulting from demolition or clearance of the site

v. To remove and seal at such a point as the statutory undertaker may reasonably require, any sewer or water pipe under the building

vi. To make arrangements with relevant statutory undertakers for disconnection of supply of electricity and water to the building

vii. To leave the site following demolition in such a condition as the planning authority may consider reasonably necessary to guarantee public safety and ensure preservation of amenity

viii. Any other condition.....