

TRAINING AND FORMULATION OF  
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TITLE : URBAN LEGISLATION RELATING TO ZONING  
A historical review in Kenya.

AUTHOR: T.S. CHANA,  
DIRECTOR,  
HOUSING RESEARCH AND DEVELOPMENT UNIT,  
UNIVERSITY OF NAIROBI, KENYA.

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00 INTRODUCTION

- .01. Urban planning, also referred to as town planning or city planning, deals with the guidance and shaping of the development, growth, arrangement, and change of urban environments with the aim of harmonizing them with the social, cultural, physical, economic and political requirements of life.<sup>1</sup>
- .02. Urban planning does not only concern urban communities and their relationships to the surrounding regions of which they are a part, but seeks or should seek to improve the conditions of urban and regional life.
- .03. The physical planning of the residential, commercial and industrial areas (zones); developing space standards; providing adequate housing at costs within the means of the inhabitants; supplying appropriate and educational, health, recreational, and other communal facilities; providing an efficient system of circulation (roads, footpaths, etc.) and adequate infrastructure services; identifying the financial and managerial resources to fulfill these requirements; are aimed to create habitable urban environments.
- .04. Planning and building legislation, consisting of planning by-laws and regulations, building codes and specifications etc. is required to ensure that such habitable urban environments can be planned, developed and controlled without the destruction of the environment.
- .05. Zoning, in general, can be defined as the demarcation of an urban centre, town, city by planning by -laws into zones and the establishment of regulations to determine the use of land (commercial, industrial, residential, etc.) and the location, bulk, height, shape, use and coverage of structures within each zone.
- .06. The above introduction to the topic will serve as useful background to the following two sections, which will present a historical review of urban planning legislation relating to zoning with special reference to Nairobi, and the effects of zoning on housing development with particular reference to the various ethnic groups in Nairobi, Kenya.

## 2.00. HISTORICAL REVIEW OF URBAN PLANNING LEGISLATION

- .01. In Kenya, there were no planning and building by-laws prior to 1926 when the first building bye-laws were introduced in Nairobi, Mombasa also had some by-laws in 1926, while the other towns had little or no building by-laws. According to a paper prepared by A. Marshall<sup>2</sup> (See Reference):

"The first crude attempts at any legislation related to building or planning were, really initiated by the old Kenya and Uganda surveyors who had the wisdom to see that some orderly attempt at town planning of what were originally the railway camps or townships was necessary. Much of the early surveying of Nairobi was in fact carried out by surveyors who were often ex-military men, working for the Railways".

- .02. Following the heavy influx of settlers into Kenya after the First World War, the British colonial authorities introduced public health legislation and building controls for the rapidly growing towns of Nairobi and Mombasa during the period from 1929-1931. This legislation was naturally based upon the British system both with regard to the regulations themselves and their means of application.<sup>3</sup>
- .03. The public control of the building process was extended further by the introduction of the Town Planning Act of 1931, and the Nairobi City Council introduced its own Building By-laws (Planning) in 1948.
- .04. In 1968 the Local Government (Adoptive By-laws)<sup>4</sup> were introduced as a national building code which could be adopted by any local authority in the country. These bye-laws are also commonly known as the Building Code. They consist of two parts:-

1. The Local Government (Building) By-laws 1968 - commonly known as Grade I By-laws.
2. The Local Government (Grade II Building) By-law 1968 - commonly known as Grade II By-laws.

The Grade II By-laws generally are applicable to low income housing developments.

- .05. There is also a wide range of additional related legislation and regulations which affect urban planning in general and housing developments in specific.

These include, amongst others, the following major ones:-

- (a) Public Health Act, 1972;
- (b) Town Planning Act, 1968;
- (c) Land Planning Act, 1970;
- (e) Electric Power Act, 1972;