NAIROBI CITY COUNTY

OUTDOOR ADVERTISING AND SIGNAGE POLICY

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1. INTRODUCTION

Advertising is a multi-million shilling industry and now forms part of everyday culture, often adding colour to our streets. It is a good indicator of business health, can be a valuable source of information and is viewed by many as a form of entertainment in itself. Outdoor advertising is a key element of the industry and contributes to the creation of a vibrant and competitive economy.

All advertisements affect the appearance of the building or place where they are displayed. Given the potential impact of outdoor advertising on amenity, both positive and negative, there is a need to balance the requirements of the industry with the protection and, where possible, enhancement of the character and appearance of our city and its environs. There is a corresponding need to ensure that advertisements will not prejudice public safety.

The County on its part wishes to ensure that care is taken with the display of outdoor advertisements so that they do not prejudice amenity or public safety, having regard to the specific circumstances of each proposal. Overall, the County intends to encourage the provision of well-designed advertising which respects the building or location where it is displayed and which contribute to a quality environment. There is a particular need to protect the unique qualities and amenity of the countryside and important townscape features, such as listed buildings and their settings, conservation areas and areas of townscape character, among others.

1.1. CURRENT COMMON OUTDOOR ADVERTISING FORMATS

i. Billboards

The shape, form and size of billboards in Nairobi City have undergone major transformations in the last ten years. In the 1990's the girder-supported (8x4) m and (12x6) m in landscape form were prevalent features. From early 2000, a dramatic change to unipole-supported (12x10) m in portrait characterise almost all billboards in the city. This shift appears influenced more by the technological advances in structural designs from the unsightly and cumbersome steel girder to the telescopic tubular unipole.

Besides the structural design transformation, the craving for better attention has fuelled commercial advertiser's desire to enlarge and embolden outdoor advertisements. Such incongruous super billboards (12x20) m and (12x30) m have in the recent past found their

way into the city landscape. Tri-vision panels have also been tried on these 12x10m formats but their visual pollution has even been worse.

ii. Sky Signs

Similar to billboards, sky signs have too undergone major transformations particularly with increase in size. Almost all sky signs dotting the city skyline bear no urban design elements: angle and impact of visibility stands out as the only principle of their disposition.

Similar to the high demand sky line visibility, many commercial advertisers have made forays into building tops in total disregard to the aesthetic quality and overall architectural appeal of the host building.

iii. Wall Wraps

Wall wraps are among the most recent entrants in the outdoor advertisement modules. Their economical materials use and ease of mounting on the wall fabric of high-rise buildings have made them popular with commercial advertisers. Initially they were approved to be hoisted or to be fixed on 'blind' walls (walls without window openings) but there have been further advances in 'mesh' wall wraps; these are perforated sheet flex membranes that permit some degree of visibility and also air circulation. These require to be handled with greater caution in their application as they pose a greater risk in distorting form while diminishing the building aesthetic appeal.

There are exceptional wall wraps that are taking over from the dull cordage fabrics on multi-storey construction sites that serve to retain construction dust spreading outside lofty construction sites. Provided their dust retention, air-flow and visual capacity are not restrictive, they deserve recommendation.

iv. Light Emitting Diodes (LED) Screen

LED screens are electronically operated devices that are new in the market. They are largely staking a claim on the billboard and sky sign sector with a few stand-alone on ground level public spaces targeting the pedestrian audience.

A few sets have been installed across the city thus creating mixed reactions as to their impact and illumination effects on both pedestrians and motorists alike. The fact that they display live-motion images with the option of audio capacity makes them totally different from still-

image billboards in terms of public nuisance hence critical evaluation is needed before approval.

v. **Street Pole Adverts**

This concept was introduced in the Kenyan market in year 2000. The controversy surrounding the monopolistic approach that was entered via a contract devoid of planning input has been contrary to the spirit and letter of the 2003 policy that stated clearly the need for encouraging creativity as an incentive to the growth of the industry. The policy had also recommended the installation of advert panels at a distance of two poles; this has never been heeded with every pole getting occupied. Their greatest negative impact has been the compromise on road and public safety and visual distortion of public amenities.

vi. **Bus Shelters and Transport Termini**

The provision of bus shelters has been pegged on the earlier stated partnership with the private sector players whose investment is recovered via advertisements rights thereon. However, in the recent past, the County has made extensive renovations of its major transport termini thereby creating vast advertisement opportunities.

Most disconcerting is that advertisements that have come up in these new-look termini are extensive and overdone – they occupy every possible space – to the point of relegating the facility as an advertisement bazaar.

There is need to review this trend and allow an urban design input that will first and foremost delineate and isolate advertisement spaces leaving the rest to County institutional colours. The termini as a public facility under the management of the County needs a corporate identity that evidently missing.

vii. **Street Furniture Adverts**

These relates to new innovation concepts have been closely tied to partnerships that seek mutual benefits for both the County and investors. They include, street benches, litter bins and smoking sheds among others. Measures should be put in place to strike a balance between revenue vis a vis amenity value, safety and environmental impacts.

viii. Guard Rail Advert Panels

The rehabilitation and upgrading of Nairobi streets in the recent past has brought with it new/replaced traffic signs, bollards, and guardrails. Advert panes have been introduced on some guardrails. In a streetscape that is already visually burdened, their cumulative and inordinate effects particularly on appropriateness to function and context on motoring safety and preserving the road character require being re-examined.

ix. Wall Branding

Wall branding has hitherto been given least urban design input resulting in discordant colours standing in sharp contrasts to each other within a streetscape. Buildings have literally been draped with colours and adverts that are visually out of context.

This type of advertisement should have stringent control in that only a certain percentage of the total wall surface is branded while the background shade defines and reinforces the local visual character.

x. Vehicle Branding

This has been taking place in both private and public vehicles. Similar to wall branding, the surface area has not been taken as a factor in their approval. For the public vehicles, considerations on charges should be made on the public vehicle's primary brand colours and other commercial (third party) advertisements on the vehicle. The advertisement should only be considered if it goes beyond company details and is more than 12 inches in depth.

xi. Mobile Advertisements

The distinction between branded vehicles and mobile adverts is that these take place on moving vehicles, kite, aeroplanes etc and may include announcements, road show concerts etc. They should go through, the sound levels in case of announcements and also ensure that they are carried out only when in motion.

xii. Construction site hoarding advertising

Hoarding advertisement are screens or fences erected on construction sites as a safety measure on a site and at the same time utilised for advertisement. They are then removed once construction is completed.

The common corrugated iron sheet hoarding is quickly getting replaced with a more sophisticated vertical scaffold framework that serves the duo purpose of construction site safety and also advertisement surface.

2. POLICY AND LEGISLATIVE CONTEXT

2.1. PAST LEGISLATION

Outdoor advertising and signage has previously been viewed as a major revenue source for the defunct City Council at the expense of environmental protection. The defunct City Council has in various occasions developed planning instruments of control of outdoor advertisements. These are contained in the Minute Books of 1996, 1998, 2000 and 2003. The 1996 document allowed advertisements both in public and private places. The '98 provided control mechanisms of reducing billboards on road reserves but did not incorporate a spatial framework. This omission led to overcrowding of advertisements at certain locations leading to deterioration of the aesthetic quality of the neighbourhoods.

2.2. CURRENT LEGAL FRAMEWORK

The Constitution of Kenya under schedule 4 part 2 (3) gives the county functions and powers to control outdoor advertising among other public nuisances. Under the Bill of Rights article 42, it gives every person the right to a clean and healthy environment. The county's main function is therefore geared towards environmental protection and preservation. The Constitution of Kenya provides for the control of environmental pollution from the business of advertising in general. The large billboards advertising products and services will not be associated solely with revenue generation without their impact on visual pollution being critically addressed.

Chapter four of the constitution on Bill of rights allows for Freedom of commercial speech which is normally seen as being at the heart of a market-driven economy and as being essential for healthy competition. Everyone has the right to freedom of expression, which includes freedom of the press and other media. Everyone also has a right to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that:-

1. Prevent pollution and ecological degradation;
2. Promote conservation; and

3. Secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.

County Government Act No.17 of 2012 ddefines the roles and management of "a county government" and gives effect to chapter 11 (Devolution) of the Constitution of Kenya (CoK) 2010, and more specifically to provide for the county government powers, functions and responsibilities in the delivery of services.

The Urban Areas and Cities Act 2011 establishes a legislative framework for governance and management of urban areas and cities and participation by the residents in this process.

The physical Planning Act (Cap 286) *inter alia,* prohibits or controls the use and development of its area of jurisdiction. The Act classifies outdoor advertising as class 'A' development and must therefore be subjected to a planning process.

The current policy document of 2003 has gaps that need to address environmental preservation, clutter and mode of allocation of advertisement sites.

2.3. OTHER LAWS RELATED TO OUTDOOR ADVERTISING AND SIGNAGE

All signs to be erected and/or displayed within the area of jurisdiction of Nairobi City County must, in addition to complying with this policy, comply with all other applicable legislation, including but not limited to:

1. Environmental Management and Coordination Act of 1999
2. Occupational Safety and Health Act of 2007
3. Building Code
4. Roads Act of 2007
5. Land Act
6. Land Registration Act
7. Land Commission Act
8. Survey Act
9. Valuation for Rating Act
10. Rating Act
11. Government Land Act
12. Valuers Act
13. Landlord and Tenant Act

3. SITUATIONAL ANALYSIS/PROBLEM STATEMENT

- The display of advertisements is an ever-increasing feature of our main streets and commercial centres, often adding colour and interest. Currently, the city comprises of over twenty thousand signages and over one thousand large format advertisements.
- In particular it is important to prevent clutter, adequately control signs involving illumination and to protect features such as listed buildings and conservation areas from the potential adverse effects of advertising.
- Nairobi public space realm has in the recent past witnessed a competition upsurge of superfluous outdoor advertisements and signage that are a threat in their inappropriate sizes, settings and excess clutter. Streetscapes and public spaces are fast becoming places full of obstacles and visual barriers carrying messages rather than being places of uninterrupted movement and natural beauty.
- The severe cases of visual pollution, forests of directional signs and billboards crowded in certain locations especially at road junctions and roundabouts, need to be addressed to conserve environment and ensure public safety. Further, this often than not leads to severe cases of traffic hazards culminating to accidents as they block views around such junctions.
- Institutional problems have arisen in issuance of advertising licenses especially on road reserves creating numerous litigations between the County and other stakeholders. There is great need for consensus building among the various players to develop a common legislative platform.

4. OBJECTIVES AND SCOPE OF THE POLICY

4.1. SCOPE

This policy shall be applicable to all the areas under the jurisdiction of Nairobi City County. Any government or private owned entity or person, who displays or wants to erect any advertising sign or form of outdoor advertising within Nairobi City County area, should adhere to the requirements set out in this policy. In applying these guidelines the City and the advertising industry alike should strive to strike a balance which would allow for advertising opportunities and economic development, on the one hand, and traffic safety and the conservation of environmental and heritage resources, on the other hand. Approval process will be two fold; involving approval of the advertisement structure in one hand, and approval of display on the other.

Instead of being detrimental to the visual environment outdoor advertising should be used in a manner that will be conducive to urban streetscapes. The outdoor advertising industry has an opportunity to contribute to the creation of vibrant and pleasant living environments and generate reasonable revenue for both the operators and the county government.

4.2. OBJECTIVES

The main objectives of this policy are to:

- Improve and protect public safety, environmental and physical health;
- To create an operational framework for outdoor advertising and signage based on social, environmental and economic sustainability;
- To set new standards pertaining to distances between advertisements, sizes, locations and siting/physical orientation;
- Dissemination of all the approval standards and procedures to the public;
- Providing investment opportunities through policies that are investment friendly;
- Introduction of an efficient and reliable data management system

5. FRAMEWORK FOR REGULATION/STANDARDS

5.1. SPATIAL REGULATIONS GUIDELINES

A. Areas of maximum control include, but are not limited to,

(a) Natural recreational spaces and urban conservation areas (areas of attractive landscape), national parks, gardens, forests, bodies of water, rivers and wetlands;

(b) Protected areas and their proximity (state house, military zones etc.);

(c) Cultural heritage sites;

(d) Gazetted (listed) buildings; and

(e) Low-density residential areas;

In these areas:

- No advertisements will be allowed unless they are part of a public utility serving these areas and are at a very small scale.

B. Areas of minimum control are areas which require least control such as:

(a) Areas of concentrated economic activity where business is the main focus; CBD pedestrian bazaars, local shopping centres, industrial areas and parks;

(b) Entertainment areas or complexes; and

(c) Transportation terminals and prominent transport nodes.

In these areas:

- Sizes of advertisements along the road corridors will be subject to road sizes. Wider roads will be considered for larger advertisements while narrower roads will be subjected to smaller advertisements.
- Billboards along road corridors will be subjected to setbacks. Distances of these setbacks will be determined by road sizes just like other class 'A' developments.
- In areas of concentrated economic activity like bazaars and shopping malls, multiple signs (neon or illuminated) will be allowed as long as they do not arbitrate each other or deface such a building. It is recommended that landlords/owners of such properties ensure all signs are approved before they are displayed and they are also installed in a manner not to deface the buildings.
- These signages should not be detrimental to the surrounding environment by reason of size, shape, colour, texture, intensity of illumination, quality of design or materials or for any other reason.

C. Areas of partial control are areas characterised by a greater degree of integration and complexity of land such as:

(a) High density residential areas;

(b) Small commercial enclaves in residential areas;

(c) Office parks and ribbon development along main streets;

(d) Educational institutions;

(e) Sports fields or stadia; and

(f) Government and civic enclaves (offices and facilities).

In these areas:

- Billboards and signages should conform to the character of the specific areas.

All billboards along the major road corridors shall observe a minimum distance of 250 metres from each other.

5.2. REGULATION OF TRAFFIC HAZARD

In addition to planning legislation, there are separate provisions within roads legislation for the control of advertisements like the Traffic Act which makes it an offence to display any advertisement on a public road, footway or verge or on any tree or structure in or on a public road.

No advertisements will be allowed on carriage way reserves. Other advertisements will be allowed on the road reserve only if they; have public service element like public safety information, providing a public service or serving any other public interest other than advertising. The County Government in liaison with other relevant government agencies shall approve applications of this nature on the road reserves.

5.3. TRANSPORT CORRIDOR ADVERTISING GUIDELINES

(i) The use of outdoor advertising in a given locality should not be inconsistent with the land use objectives for the area outlined in the relevant local zonal plan.

(ii) Advertisements must not be placed on land where the signage is visible from areas in which it is likely to significantly impact on the amenity of those areas.

(iii) Advertising structures should not be located so as to dominate or protrude significantly above the skyline or to obscure or compromise significant scenic views or views that add to the character of the area.

(iv) Advertising structures should not be located so as to diminish the heritage values of items or areas of local, regional or state heritage significance.

(v) Where possible, advertising structures should be placed within the context of other built structures in preference to non-built areas. Where possible, signage should be used to enhance the visual landscape. For example, signs may be positioned adjacent to or screening unsightly aspects of a landscape, industrial sites or infrastructure such as railway lines or power lines.

5.4. ENVIRONMENTAL GUIDELINES FOR OUTDOOR ADVERTISEMENT

(i) Where proposed outdoor advertisement is in material conflict with elements of environment e.g. existing trees, the latter supersedes.

(ii) When an approval has been granted, disturbance of environment in the course of erection works should be minimal, with all resultant debris carted away and appropriately disposed of immediately, and the site reinstated to a status as near to initial one as possible.

(iii) Generation of any noise during construction work and the running of the advertisement including mobile advertisements should be subject to Noise Regulations in place.

(iv) Areas deemed worth of preservation as natural as possible e.g. Arboretum, other natural recreational areas, areas of unique landscape, national parks, water bodies, wetlands and other riparian lands should be ring fenced against advertisements significantly out of character in such areas.

(v) Future soft landscaping works within the Vicinity of an existing and duly approved advertisement structure should take cognizance of the desired visibility of such signage.

(vi) Any permissible removal of visual obstruction occasioned by trees should be duly requested for, approved and executed as provided for in relevant environmental regulations in place.

5.5. ADVERTISEMENTS WHICH ARE EXEMPTED FROM THIS POLICY

There are different classes of advertisement which are excluded from the direct control of the planning authority provided certain conditions are fulfilled. A permit is not required to display the following signs;

- A sign identifying the functions or property of a government department, public authority or County Government, but not a promotion sign displayed at the direction of any of these bodies.
- A sign controlling traffic on a public road, railway, tramway, or in the air, provided it is displayed at the direction of a government department, public authority or City County Offices.
- A sign at a hospital that gives direction to emergency facilities.

- A sign inside a building and enclosed spaces. These advertisements must not be illuminated or displayed within one metre of any window or other external opening through which they can be seen from outside the building
- A sign in a road reserve which gives direction or guidance about a tourist attraction, service or facility of interest to road users. The sign must be displayed to the satisfaction of the road authority (KeNHA, KURA e.t.c).
- A sign required by statute or regulation, provided it is strictly in accordance with the requirement.
- A sign at a railway station for the information of people using the station.
- A sign on a showground, on a motor racing track or on a major sports and recreation facility, provided the advertisement cannot be seen from the public street.

5.6. PROHIBITED SIGNS

No person shall erect or cause or permit to be erected or maintained any of the following signs:

a) Any advertisement or sign, other than an exempted sign, for which neither a permit nor approval has been obtained or which does not comply with the requirements of, or which is not permitted by this Policy, Bylaws or any other Law or Regulation.
b) Any sign suspended across a street unless otherwise approved by County Government.
c) Any sign which may either obscure a road traffic sign, be mistaken for with or interfere with the functioning of a road traffic sign.
d) Any sign which may obscure traffic by restricting motorists' vision and lines of sight thus endangering motorists' safety.
e) Any sign which is indecent or suggestive of indecency, prejudicial to public morals or is reasonably objectionable.
f) Any sign which will obstruct any window or opening provided for the ventilation of a building or which obstructs any stairway or doorway or other means of exit from a building or which will prevent the movement of persons from one part of a roof to another part thereof.
g) Any animated or flashing sign the frequency of the animations or flashes or other intermittent alternations of which disturbs the residents or occupants of any building or is a source of nuisance to the public or impairs road traffic safety.

h) Any illuminated sign, the level of illumination of which unreasonably disturbs the residents or occupants of any building or is a source of nuisance to the public.
i) Any sign referring to a price or change in price of merchandise except in a shop window, or on the article itself.
j) Any poster otherwise than on a hoarding legally erected for the purpose of accommodating such poster.
k) Any sign or signs, the total area of which exceeds 30m², painted or fixed on a wall of a building not being a front wall of such building, unless approved in terms of the policy for the promotion of Outdoor Advertising.
l) Any sign painted on any fence or boundary wall, not being an approved sign.
m) Any sign which may obstruct pedestrian or vehicular traffic.
n) Any transit advertising sign that is parked irrespective of whether it is attached to a vehicle or not.
o) Any poster or sign attached to a tree.
p) Any temporary sign for commercial or third-party advertising erected on County land or land vested in the County Government, unless by prior signed encroachment agreement or contract with the County.
q) Any sign or poster attached to a Road Traffic Sign.

5.7. PUBLIC SAFETY

Advertisements by their very nature are designed to attract the attention of passers-by and therefore have the potential to impact on public safety. In assessing the impact of an advertisement on public safety the Department will have regard to its effect upon the safe use and operation of any form of traffic or transport on land (including the safety of pedestrians), on or over water or in the air.

The main types of advertisements which are likely to pose a threat to public safety are:-

- Those which obstruct or impair sight lines at corners, bends or at a junction or at any point of access to a road;

- Those which, by virtue of their size or siting, would obstruct or confuse a road user's view or reduce the clarity or effectiveness of a traffic sign or traffic signal, or those which would be likely to distract road users because of their unusual design;

- Signs which leave insufficient clearance on or above any part of the road or footpath, or insufficient lateral clearance for vehicles on the carriageway;

- Those which are located so as to impair the safety of any person looking at them because there is no protection from moving vehicles or where the footpath is narrow at the point where the public stop to look at them;

- Illuminated signs:
    a. where the means of illumination is directly visible from any part of the road;
    b. which, because of their colour, could be mistaken for, or confused with, traffic lights or any other authorized signals; and
    c. which, because of their size or brightness, could result in glare or dazzle, or otherwise distract road users especially in wet or misty weather;

- Signs which incorporate moving or apparently moving elements in their display, especially where the whole message is not displayed at one time therefore increasing the time taken to read the whole message;

- Those which resemble traffic signs because of their colour or content or those which embody directional or other traffic elements and which could therefore cause confusion with traffic signs;

- Signs sited or designed primarily to be visible from a motorway or other special road; and

- Those which cause possible interference with a navigational light or an aerial beacon.

In assessing the impact on public safety, the vital consideration for the City Planning Department will be whether the advertisement itself, or the exact location proposed for its display, is likely to be so distracting or confusing that it creates a hazard to, or endangers, people in the vicinity, be they drivers, cyclists or pedestrians. The County bears in mind that, on occasion, some advertisements can positively contribute to public safety, for example, by directing drivers and others to their destination. Thoughtful siting and illumination can overcome many of the potential hazards listed above. Public safety issues are less likely to occur where an advertisement is proposed within an existing industrial or commercial centre, and when the level of illumination proposed is appropriate to the location. Where appropriate the county will consult other relevant public bodies that have an interest in the safe display of

advertisements. In particular, the county will take into account the advice of the road authorities on matters of road safety.

6. GENERAL DESIGN ISSUES

The design of a sign and where it is placed affects the character of the environment. Advertising that is well designed, appropriate in scale and suitably located can add interest, character and vitality to the built environment. Poorly designed or placed advertisements or too many signs in one location can degrade streetscapes and rural environments, and detract from heritage buildings. The desired character of an area is a key criterion for the assessment of the appropriateness of an advertising sign.

There are three levels of design assessment criteria for advertising in transport corridors:

- Macro-scale planning principles
- Sign clutter controls
- Site-specific and structural criteria

6.1. MACRO-SCALE PLANNING PRINCIPLES

The installation of advertisements within the city county must be strategically planned so that their placement is not unsympathetic to the character and land uses of the areas they occupy. Consideration must be given to the nature and quality of the landscape, streetscape or corridors including immediate views, vistas, adjacent infrastructure, buildings and whether surrounding land-use is compatible with the type (e.g. its form, scale etc) of advertising being proposed. Design considerations will include:-

Character of the Area:

This will include the compatibility of the advertisement with the existing or desired future character of the area or locality in which it is proposed to be located and the consistency of the proposal with a particular theme for outdoor advertising in areas of locality.

Special Areas

The advert proposal should not detract from the amenity or visual quality of any environmentally sensitive area, heritage areas, natural or other conservation areas, open space area, waterways and residential areas.

Vistas and Views

The advert should not obscure or compromise important views, dominate the skyline and reduce the quality of vistas and should respect the viewing rights of other advertisers.

Streetscape, setting or landscape

The scale, proportion and form of the advertisement must be appropriate for the streetscape, setting or land. It should also contribute to the visual interest of the same and try as much as possible to reduce cluster by rationalizing and simplifying existing advertising. The advert will if possible should screen unsightliness. It should however not protrude above buildings, structures or tree canopies in the area or locality. The advert proposal should be weighed against considerations like if it will require some vegetation management.

Site and Buildings

All adverts and signage erected/done on buildings should be compatible with the scale and other characteristics of the site or both. The proposed signage should respect important features of the sight, building or both. It should also show innovation and imagination in its relationship with the building.

Associated devises and logos with advertisements and advertising structure

Safety devices, platforms, lighting devices or logos should be designed as integral parts of the signage and structure on which they are to be displayed.

6.2. SIGN CLUTTER CONTROLS

Advertising structures should not be placed in a location that will result in visual clutter. Clutter can be a distraction to drivers particularly where other signage such as directional or road safety signs are located. Clutter can make a streetscape or landscape visually unattractive. The viewing rights of adjacent advertisers must also be considered when placing advertisements near existing signage. What constitutes “clutter” will differ depending on the location. For instance, in urban enterprise corridors and within entertainment districts, it is not uncommon to have multiple signs visible along a given sightline. When strategically placed, these signs can contribute to the urban fabric and promote city life in key areas. Clutter in this context may result however if there are too many signs or multiple messages placed on a single advertising site or location. Multiple advertisement signs on roads/trunk

ways adversely impacts on visual amenity and road safety.

X Too many billboards on a single site: Option to consolidate signs into single supersite

The overall number of signs placed along an urban transport corridor should be minimized preferably with only one advertising sign visible in a given view specific to definitive site distances. In assessing advertising proposals, the City County of Nairobi will have disregard clutter under the following considerations:

1. Multiple advertisements on a single block of land, structure or building should be discouraged as they contribute to visual clutter.
2. Where there is advertising clutter, consideration should be given to reducing the overall number of individual advertisements on a site. Replacement of many small signs with a larger single sign is encouraged if the overall advertising display area is not increased.
3. Along major transport corridors, no more than one advertising structure should be visible along a given sightline.

Example of advertising clutter seen on Bunyala/Mombasa road roundabout

6.3. SITE-SPECIFIC AND STRUCTURAL CRITERIA

The broad macro-scale criteria and clutter controls outlined in Section 6.1 and 6.2 dictate where advertising may or may not be appropriately placed. The site-specific and structural criteria below guide the design and location of advertisement on specific sites to reduce unintended impacts from the signage. In all circumstances, design innovation and excellence is to be encouraged. Advertising structures as well as their placement within the landscape context can contribute positively or adversely to the visual amenity of the area. The general criteria as well as site specific criteria related to the particular type of site should be considered so that the sign will positively contribute to the qualities of associated buildings, bridges and other structures. Factors to consider include form (shape and size) of signs, lighting, as well as structural and placement considerations.

6.3.1. GENERAL CRITERIA

Advertising structures should meet the following site-specific criteria:

- The advertising structure should demonstrate design excellence and show innovation in its relationship to the site, building or bridge structure.
- The advertising structure should be compatible with the scale, proportion and other characteristics of the site, building or structure on which the proposed signage is to be located.

- The advertising structure should be in line with important features of the site, building or bridge structure.
- The placement of the advertising structure should not require the removal of significant trees or other native vegetation.
- The advertisement proposal should incorporate landscaping that complements the advertising structure and is in keeping with the landscape and character of the transport corridor.
- Any safety devices, platforms, lighting devices or logos should be designed as an integral part of the signage or structure on which it is to be displayed.
- Illumination of advertisements must not result in unacceptable glare or reduce safety for pedestrians, vehicles or aircraft.
- Illumination of advertisements must not cause light spillage into nearby residential properties, national parks or nature reserves.
- Illumination of advertisements must be consistent with road safety

6.3.2. WALL ADVERTISEMENTS CRITERIA

Consent will be granted for a wall advertisement under the following conditions.

(i) Only one wall advertisement may be displayed per building elevation.

(ii) The architectural design quality of the building must not be diminished.

(iii) The advertising structure must be contained completely within the solid boundaries of the building walls (i.e. the sign must not be wider or higher than the building itself).

(iv) The advertising structure must not extend outward more than 0.3m from the building wall unless occupational health and safety standards require greater protrusion.

(v) The advertisement must not extend over or block windows or other openings in the building.

(vi) The advertisement must not be placed on heritage buildings or other heritage items, excluding railway stations.

6.3.3. ROOF OR SKY ADVERTISEMENTS

Roof or sky advertisements must comply with the following requirements;

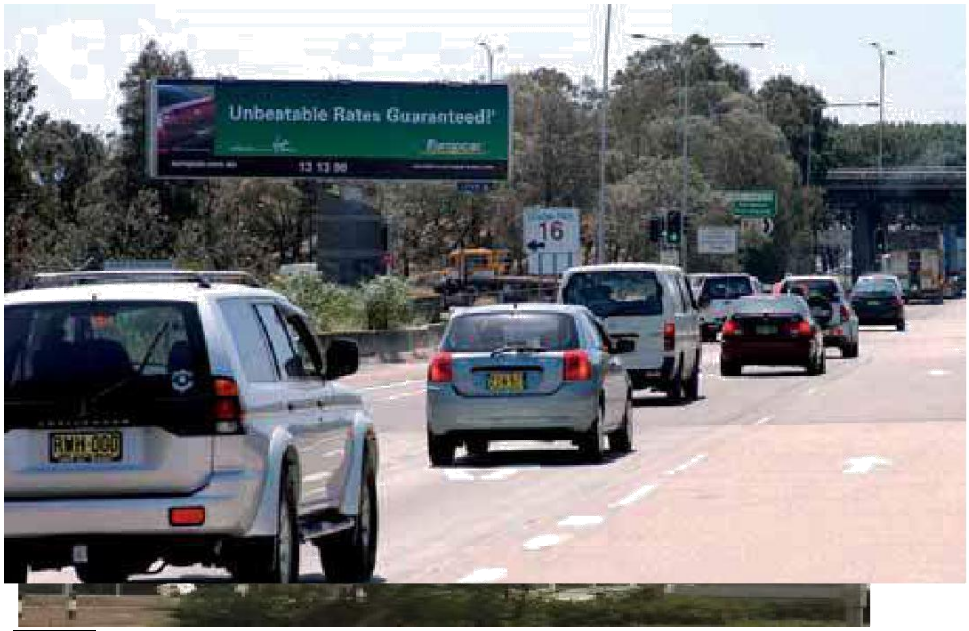
a) The county must be satisfied that:

1) The advertisement replaces one or more existing roof or sky advertisements and that the advertisement improves the visual amenity of the locality in which it is displayed, or
2) (ii) That the advertisement improves the finish and appearance of the building and the streetscape, and

b) The advertisement must be;

1) No higher than the highest point of any part of the building that is above the building parapet (including that part of the building (if any) that houses any plant but excluding flag poles, aerials, masts and the like), and
2) No wider than any such part, and
3) Consent for a roof or sky advertisement is limitedto a maximum of 3 years.

X	Approval dependent on specific location details, Site heritage values and whether it is in keeping with local development control rules but signage



X Dominates skyline: Not keeping with design or heritage values of the building hence not desirable

6.3.4. FREESTANDING ADVERTISEMENTS CRITERIA

Freestanding advertisements must comply with the following requirements;

(a) The advertising structure must not protrude above the dominant skyline, including any buildings, infrastructure or tree canopies, when viewed from ground level within a visual catchment of 1 kilometer.

Note: *This impact should be measured from the vehicle approach location and any other critical viewpoints*.

(b) For a freestanding advertisement greater than 45 square meters that requires consent from The City County, a development control plan must be in force that has been prepared on the basis of an advertising design analysis for the relevant area or precinct.

X Sign dominates skyline: wrongly placed (Uhuru Highway)

X Extra-large billboards block views and dominate the skyline (Community area)

6.3.5. BRIDGE SIGNAGE CRITERIA

Advertisements on bridges and crosswalks must be consistent with the following requirements;

1) The architecture of the bridge must not be diminished. Consideration should be given to whether the advertising structure is compatible with the form and scale of the bridge and sympathetic to the bridge style and design. Consideration should be given to whether the advertisement significantly detracts from the principle structural qualities of the bridge or any important decorative inclusions. It is preferable that the sign be directly integrated into the structural design of the bridge. The sign should not compromise the architectural and visual quality of the bridge structure.
2) The advertisement must not extend laterally outside the structural boundaries of the bridge. This include the structural boundaries of the bridge include the solid part of the structure, road deck, handrail and safety guard fencing, but does not include additional devices attached to the structure such as lighting and power poles.
3) The advertisements must not extend below the base of the bridge structure, unless it is wholly incorporated into a pylon or abutment of the structure, or
4) On a road or pedestrian bridge, the advertisement must not protrude above the top of the structural boundaries of the bridge, not block significant views for pedestrians or other bridge user eg cyclist; and not create a tunnel effect, impede passive surveillance, or in any way reduce safety for drivers, pedestrians or other bridge users.

Note: *Signs that extend above bridge handrail height (approx. 1 metre above the walking Surface levels) have the potential to block views, create a tunnel effect or impede passive surveillance by blocking clear sightlines to and from the bridge.*

Does not detract from architectural elements of bridge; does not block views; advertising form compatible with bridge form.

X Protrudes above the top of the road bridge: Not keeping with bridge architecture (Mbagathi footbridge)

√ Meets criteria for bridges in keeping with bridge architecture (Nyayo stadium footbridge)

√ Meets criteria for rail/road bridges in keeping with bridge architecture

6.3.6. BUILDING WRAPS AND HOARDINGS CRITERIA

Building wrap advertisements must be consistent with the following requirements

(a) A person may, with the consent of the Nairobi City County, display a building wrap advertisement on land zoned for business, commercial or industrial purposes.

(b) The display of any building wrap advertisement is limited in time to a maximum of three years after which it could be considered for renewal.

(c) A building wrap advertisement may cover the entire facade or hoarding of a building or site if it is consistent with the requirements of the Physical Planning Act and Building Code.

(d) Consent must not be granted for a building wrap advertisement unless:

- A development control plan applies to the land on which the building wrap advertisement is to be displayed that has been made having regard to a public art policy of the consent authority and the display of the advertisement is consistent with the development control plan, and

6.3.7. LAMP POLE ADVERTISING CRITERIA

1. The Light boxes should be installed after every two poles.
2. The light boxes should be a maximum of 2m high by 1m wide.
3. should be placed at a minimum distance of three (3) metres from the ground
4. The installation of the advertisement in a given corridor should not be inconsistent with the land use objectives for the area outlined in the relevant local development/environmental plan.

5. The advertisements should not obstruct traffic signs and any other information meant for road users.
6. Request to connect light boxes to electricity shall be submitted to the County Engineer, Electrical section, evaluated, approved and connection done by the same authority.
7. Electricity bills set by the county shall be paid promptly and any repeat defaulters shall be disconnected from the grid permanently.
8. On expiry of advertising period, the advertiser shall remove all materials within five working days and restore the pole to its original state failure to which the county shall remove and dispose of the materials at their cost without further reference to the advertiser.

7. ADVERTISEMENTS AND ROAD SAFETY

7.1. ROAD SAFETY OBJECTIVES

Advertising displays within the visual catchments of roads are designed to attract driver's and passenger's attention. A reduction in driver attention away from the road however has the potential to create a road safety hazard. The purpose of this section is to outline the advertisement policy in relation to road safety. The policy is designed to ensure that roadside advertising does not create a road safety hazard or confuse or distract drivers in any road environment, or compromise bicycle and pedestrian safety.

7.2. ROAD SAFETY ASSESSMENT CRITERIA

7.2.1. SIGN LOCATION AND DESIGN

(a) An advertisement must not obstruct the driver's view of the road particularly of other vehicles, bicycle riders or pedestrians at crossings.

(b) An advertisement must not obstruct a pedestrian or cyclist's view of the road.

(c) The placement of a sign should not distract a driver at a critical time. In particular, signs should not obstruct a driver's view:

(i) To a road hazard,

(ii) To an intersection,

(iii) To a traffic control device (such as traffic signals, stop or give way signs or warning signs) or

(iv) To an emergency vehicle access point

(d) The advertisement must not distract a driver from or reduce the visibility and effectiveness of directional signs, traffic signals, other traffic control devices, regulatory signs or advisory signs or to obscure information about the road alignment.

(e) The advertisement should not be located in a position that has the potential to give incorrect information on the alignment of the road. In this context, the location and arrangement of sign structures should not give visual clues to the driver suggesting that the road alignment is different to the actual alignment. An accurate photo-montage should be used to assess this issue.

(f) A sign should not be located:

(i) Less than the safe sight distance from an intersection, merge point, exit ramp, traffic control signal or sharp curves.

(ii) less than the safe stopping sight distance from a marked foot crossing, pedestrian crossing, pedestrian refuge, cycle crossing, cycle way facility or hazard within the road environment.

(iii) so that it is visible from the stem of a T-intersection.

(g) The advertisement must not interfere with stopping sight distance for the road's design speed or the effectiveness of a traffic control device. For example:

(i) Could the advertisement be construed as giving instructions to traffic such as 'Stop' or imitate a traffic control device?

(ii) If the sign is in the vicinity of traffic lights, does the advertisement use flashing lights?

(h) The advertisement should not distract a driver's attention away from the road environment for an extended length of time. For example:

(i) The sign should not be located in such a way that the driver's head is required to turn away from the road and the components of the traffic stream in order to view its display and/or message. All drivers should still be able to see the road when viewing the sign, as well as the main components of the traffic stream in peripheral view.

(ii) The sign should be oriented in a manner that does not create headlight reflections in the driver's line of sight. As a guideline, angling a sign five degrees away from right angles to the driver's line of sight can minimize headlight reflections. On a curved road alignment, this should be checked for the distance measured back from the sign that a car would travel in 2.5 seconds at the design speed.

(i) The advertisement must not create a physical obstruction or hazard. For example:

(i) Obstruct the movement of pedestrians or bicycle riders (e.g. telephone kiosks and other street furniture along roads and footpath areas).

(ii) Protrude below a bridge or other structure so it could be hit by trucks or other tall vehicles? Will the clearance between the road surface and the bottom of the sign meet appropriate road standards for that particular road.

(iii) Protrude laterally into the transport corridor so it could be hit by trucks or wide vehicles

7.2.2. ILLUMINATION AND REFLECTANCE

An illuminated sign refers to any sign illuminated by an artificial source. Illuminated signs include variable message signs, video and/or animated signs and any conventional billboard illuminated by fluorescent and/or incandescent bulbs. In addition to design guidelines discussed previously, the following assessment criteria are used to ensure that illumination and reflectance qualities of signs do not cause a road safety hazard.

a) Advertisements must comply with the following luminance rules shown below.

MAXIMUM ALLOWABLE DAYTIME LUMINANCE OF ILLUMINATED ADVERTISEMENTS			
***Illuminated Area* (sq m)**	***Zone A(Areas of maximum control) (cd/sq m)***	***Zone B(Area of partial control) (City Center , Bazaars) (cd/sq m)***	***Zone C (Areas of minimum Control) (residential areas) (cd/sq m)***
up to 0.5	2900	No limit	2000
0.5 to 2.0	2300		1600
2.0 to 5.0	2000		1200
5.0 to 10.0	1500		1000
over 10.0	1200		800

Luminance means the objective brightness of a surface as measured by a photometer, expressed in candelas per square meter.

Zone A covers areas of low-density residential areas, protected areas and their proximity, Cultural heritage sites, Gazetted (listed) buildings, Natural recreational spaces and urban conservation areas.

Zone B covers areas of concentrated economic activity where business is the main focus; CBD, pedestrian bazaars, local shopping centres, industrial areas and parks;

Zone C covers areas of high density residential areas, small commercial enclaves in residential areas, office parks and ribbon development along main streets, educational institutions, Sports fields or stadia, and Government and civic enclaves (offices and facilities).

(b) The maximum night-time luminance of the aforementioned signs in this section must be one-quarter of the above prescribed values.

(c) For night time use, the sign (whether internally illuminated or lit from its exterior) must not cast a shadow on areas that were previously lit and that have a special lighting requirement, e.g. pedestrian crossings.

(d) The light sources for illuminated signs must focus solely on the sign and:

(i) Be shielded so that glare does not extend beyond the sign; and,

(ii) with the exception of back lit neon signs, have no light source visible to passing motorists with a light output greater than that of a 40W incandescent bulb.

7.3. ROAD SAFETY ADVISORY GUIDELINES FOR SIGN CONTENT

1. Advertisements must not imitate a traffic control device such as traffic lights;
2. Advertisements must not instruct drivers to perform an action such as ‘Stop’, ‘Halt’ or ‘Give Way’;
3. Advertisements must not invite traffic to move contrary to any traffic control device, or turn where there is fast moving traffic;
4. Advertisements must not contain reflectors, which at night could be mistaken for a traffic control device;
5. Advertisements should not contain messages that are distractive or otherwise inconsistent with road safety;
6. Advertisements should be legible. A clear font of at least 150 millimeters high is recommended;

7. Advertisements should not contain large areas of red display if it is to be illuminated. In wet night-time conditions it may cause confusion with traffic control signals or ‘stop’ or ‘tail lights’ of moving vehicles;

7.4. CONTROL OF DISPLAYED MESSAGES

Graphic messages shall be vetted prior to display. Any unapproved message shall be treated as illegal liable to prosecution and removal.

7.5. REVENUE COLLECTION

The county shall impose an annual fee for all advertisements and ground rent where applicable. (Refer to the Nairobi City County Finance Act 2013). Such fees will be due upfront and payable at the point of determination of application for advertisements.

7.6. BUSINESS MONOPOLY

The County shall not condone at any given moment any monopolistic practices so as to provide level ground for all players and to increase choice, diversity and continued employment opportunities in the sector. This will be achieved through strict adherence of article 27 of the Constitution advocates for equal opportunities for all. However, the innovator of the new concept shall be given incentives so as to encourage creativity, dynamism and growth of the industry.

8. GUIDELINES FOR APPLICATION AND APPROVAL FOR ADVERTISING SIGNS

8.1. APPLICATION FORMS AND ANNEXURES

Any person who intends to display or erect any advertising sign or use any advertising sign or use any structure or device as an advertising sign shall submit a written application in such a form as the City County of Nairobi may require, completing all details in so far as they apply to the proposals.

An applications shall be signed by the owner of the proposed advertising structure and by the registered owner of the land or building on which the structure or advertising is to be erected or displayed, or on behalf of the owner of the land or building by his agent authorized in writing by such owner and shall be accompanied by:

(a) A location plan indicating the anticipated position of the sign within the area of the City of Nairobi.

(b) a block plan of the site on which the advertising sign is to be erected or displayed, drawn to a scale of not less than 1:500 showing every building on the site and the position with dimensions of the sign or advertising in relation to the boundaries of the site and the location of the streets and buildings on properties abutting the site;

(c) A drawing sufficient to enable the County Planning Unit to consider the appearance of the advertising sign and all relevant construction detail;

(d) A drawing showing the advertising sign in relation to other similar type signage in the area in which it will be erected.

Every such plan and drawing shall be clearly reproduced on an approved material in sheet form not less than A3 size (420mm x 297mm); and

(i) A drawing required in terms of paragraph (2.1.2)

(ii) Shall show all details of the sign and shall be drawn to a scale of not less than 1:200 or other scale acceptable by City Planning Department.

(iii) The County may require additional information in relation to the land on which the sign is to be erected its use and impact.

(c) If a sign is to be attached to or displayed on the facade of a building, the County may require the submission of an additional drawing showing an elevation of the building in colour, the details and position of the proposed sign and the details and the position of every existing sign on the building drawn to a scale of not less than 1 : 100, or the County may require a coloured print of or an artist's impression or computer aided impression of the building with the details of the proposed sign superimposed on such graphic and draw as nearly as is practicable to the same scale as that of the graphic.

(d)The County may require the submission of additional drawings, calculations and other information and a certificate by a registered structural engineer, in each case giving details to the County's satisfaction, to enable it to establish the adequacy of the proposed means of securing, fixing or supporting any advertising sign to resist all loads and forces to which the advertising sign, or screen may be exposed and the sufficiency of the margin of safety against failure.

(e) A colour photograph of the site or building showing the location of the proposed sign; adjacent sites or buildings showing the relationship of the proposed sign to existing signs.

8.2. Consideration for Approval

In considering an application submitted, the County may, in addition to any other relevant factors, have due regard to the following:

(a) No advertising sign or advertisement content should be so designed or displayed that:

i. It will be detrimental to the environment or to the amenity of the neighbourhood by reason of size, intensity of illumination, quality of design or materials or for any other reason;
ii. It will constitute a danger to any person or;

iii. It will display any material which in the opinion of the County is indecent, suggestive of indecency, prejudicial to public morals or objectionable;
iv. It will obliterate any other signs;
v. It will in the opinion of the County be unsightly or detrimentally impact upon a found architectural/urban design;
vi. It will in any way impair the visibility of any road traffic sign or affect
vii. the safety of motorists or pedestrians,

(b) The size and location of a proposed advertising sign and its alignment in relation to any existing advertising sign or the same building and its compatibility with the visual character of the area surrounding it.

(c) The number of signs displayed or to be displayed on the property concerned and its legibility in the circumstances in which it is seen;

(d) The sign, if not appropriate to the type of activity on or zoning of a or site to which it pertains should be considered on its merits in terms of the control measures of the City County's Outdoor Advertising Signage Policy and The Physical Planning Act and the Local Physical Development Plan guidelines.

8.3. Approval of Plans

Within 15 days of the receipt of the duly submitted application the County shall notify the applicant, an objector or any person who has made representations, of its decision. The County, may refuse any application submitted or grant its approval subject to any amendment and/or condition which it may deem expedient, including a condition that the owner of any advertising sign or the owner of the land or building on which such advertising sign is to be erected and displayed, or both such owners, indemnify the County to its satisfaction against any consequences flowing from the erection, display or mere presence of such advertising sign.

8.3.1. Notwithstanding anything contained in these approval guidelines, any advertising sign which complies to the County's satisfaction may be approved by the County.

8.3.2. Every application, plan, drawing and other document submitted shall on approval be retained by the County for its records.

8.4. Withdrawals or Amendment of County Approvals

8.4.1. The County may, at any time, withdraw an approval granted or amend any condition or impose a further condition in respect of such approval, if in the opinion of the County an advertising sign:

(a) Will be or become detrimental to the environment or the amenity of the neighbourhood by reason of size, intensity of illumination, quality of design or materials or for any other reason;

(b) Will constitute or become a danger to any persons or;

(c) Will obliterate other signs, natural features, architectural features or visual lines of civic or historical interest.

8.4.2. Should an approved advertising sign not be erected within three (3) months from approval or within a time specified in the approval granted, the approval will lapse.

8.4.3. Should the information requested by the County to process a signage application not be provided within a two-month period from the date of the application, the application shall be regarded withdrawn.

8.5. Implementation of this Policy

8.5.1. Implementation of this will commence immediately. Approvals currently in force will not be affected but any new applications and renewals shall be subjected to the new policy requirements.

8.5.2. More specific and detailed standards will be contained in the outdoor advertising and signage bill to be developed and enacted immediately after approval of this policy. All stakeholders will be engaged in this process to meet the threshold of public participation as per the legislation.