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**BROWN DISCUSSES ZONING ORDINANCE**

**ATTORNEY WRITES LETTER**

**Tells of Alleged Advantages and Shortcomings of Measure, as They Appear in His Opinion Thereon**

The following communication dealing with the local zoning ordinance and its advantages and shortcomings, as interpreted by the writer, Attorney Stewart Reed Brown, is herewith printed without comment:

Embracing the opportunity of writing concerning the pro and con of the Zoning Ordinance, I desire to say that in the opinion of the writer, the following situation is apparent insofar as the Zoning Ordinance might be applied to this particular territory.

(a) That if the ordinance is found constitutional, it will be a good thing for property owners, notwithstanding the fact that it might result in an added burden to tax payers.

(b) On the other hand, if the act is held unconstitutional, the annexation of the property to Highland Park proposed, will result in added burdens to the taxpayer with no resultant benefits.

**The Zoning Ordinance**  
The Zoning Ordinance of 1921 confers certain powers upon city councils in cities and boards of trustees in villages and incorporated towns, concerning buildings and structures, the intensity of use of lot areas, the classification of trades, industries, buildings and structures, with respect to location and regulation and the creation of districts of different classes, and the establishment of regulations and restrictions applicable thereto.

The statute as it now appears on the books, was regarded by the makers of the new constitution, as unconstitutional, therefore, it was provided in the new constitution, in the section known as section 62, as follows:

"The general assembly in order to promote the general welfare may authorize cities, villages and incorporated towns to adopt reasonable regulations governing the use and appearance of land and the location, appearance, size and use of structures and to divide their territory into zones to each of which special regulations may be applied. Distinctions may be made between conditions existing at the time of adoption of any such regulations and future conditions. Such regulations shall not be enforced as to conditions existing at the time of their adoption without payment of just compensation unless such regulations might lawfully be enforced irrespective of the provisions of this section. Any statute in force at the time of the adoption of this constitution (or any ordinance passed in conformity with such statute) which comes within the provisions of this section shall be valid."

**Depends on Constitutionality**  
Now, it is axiomatic, that if our present statute is unconstitutional, that any territory annexed under its provisions will only mean that we are playing into the hands of exploiters of real estate who will be benefited by the annexation, but which will result in no benefit to the city of Highland Park.

The present Zoning Ordinance has not been reviewed by the Supreme Court of the State of Illinois. If we could get an early decision from the Supreme Court and they could point out wherein the act is unconstitutional, we could remedy it in time, so as to make it possible to annex territory contemplated.

We, who have lived here for many years, regard Highland Park as a "home city." We naturally resent the intrusion of the exploiter and the real estate boomer.

It has been urged, that because of this fact, we will annex territory adjacent to the city of Highland Park and then bring it under the control of the Zoning Ordinance but if this Zoning Ordinance is held unconstitutional, then the reverse of that which was expected will result from the proposed annexation; instead of controlling, we will be controlled.

The city of Highland Park is a small city—its water mains and sewer devices have been laid for many years and if we were to attempt to furnish gas and sewerage facilities to the territory adjacent thereto, it would naturally follow that our streets would have to be torn up for a considerable time, but we could stand this trouble and expense, if, as has been proposed, the Zoning Ordinance would control adjacent territory, but there is nothing to assure us that this would be a fact.

Several years ago we took a very firm stand regarding the annexation of territory adjacent to the city of Highland Park because of the size of the lots and it is now proposed that we annex that same territory that we refused to annex several years ago, notwithstanding the fact that the lot lines have not been changed.

**Wider Use in Germany**  
The "Zoning Law" has been used to a greater extent in Europe than it has in this country, primarily due to the fact that there is greater congestion in Europe than in the United States.

Germany has scientifically carried out the zoning laws and regulations.

Primarily the "Zoning Ordinance" restricts a man in the use of his own property, but only in-so-much as it benefits the entire community.

There are two ways of controlling property—one is by condemnation and the other, by police power. There is no compensation in the police power and it is regarded as a power that extends to all great public needs.

**Validity to Be Passed On**

When the validity of the statute is passed on, it will be a question of the court deciding whether there is a pressing need for zoning ordinances, and no one, no matter how wise he may think he is, can pass on that question until all of the facts and all of the circumstances are before the court.

The proposed ordinance has more to do with the beauty of our city,

than that of the health or sanitary condition and while earlier decisions held to the dicta that property cannot be condemned merely for ornamental purposes or for the purpose of pleasure, the tendency of more recent decisions is in the opposite directions.

We can quite readily understand the necessity of a zoning ordinance in a congested city like Chicago, that would not be applicable in a city like Highland Park.

The city of Evanston is now involved in a test case as to whether or not the "Zoning Ordinance" now under discussion contravenes the 14th amendment to the constitution or not, and it would be well for the citizens of Highland Park to wait until Evanston or some other locality secures a decision before we plunge ourselves

into the annexation of adjacent territory, only to find that we cannot control that, which we hope to, and that in lieu of controlling, we have affixed a liability.

**ADJUDICATION NOTICE**  
PUBLIC NOTICE is hereby given that the Subscriber Administratrix of the estate of Bertha Housman deceased will attend the County Court of Lake County, at a term thereof to be holden at the Court House in Waukegan, in said County, on the first Monday of June next, 1923, when and where all persons having claims against said estate are notified and requested to present the same to said Court for adjudication.

Hannah Seifert administratrix of estate of Bertha Housman deceased, Waukegan, Ill., March 12, 1923.  
E. S. Gail, Atty. 8-5pd

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