

SUPREME COURT HOLDS ZONING LAW IS LEGAL

Opinions Rendered in Aurora and Evanston Cases Strengthens Local Regulation

Editor's Note: Winnetka's Zoning law has been given added strength by reason of opinions recently handed down by the Illinois Supreme Court. The accompanying report on the decision of the high tribunal will be of interest to every home owner in the village. The report was prepared by Village Manager H. L. Woolhiser of Winnetka.

The Supreme Court of the State of Illinois has recently handed down two opinions which are of the greatest importance in sustaining the legality of zoning legislation in the state.

The first case was that brought against the City of Aurora, Illinois, by the Piggly Wiggly stores, who proposed to erect a grocery store in a portion of the city zoned as "B" residential district, from which grocery stores were excluded. The case was originally decided in favor of the city by the City Court of Aurora, the decision pointed out that the ordinance was not unreasonable or discriminatory and that it was uniform in its operation and a lawful exercise of the police power of the city. The store proprietors were enjoined from constructing or using the building in violation of the ordinance. The case was appealed directly to the Supreme Court of Illinois in April 1925, on the ground that it involved the validity of the state zoning law and of a municipal ordinance.

Limitations Justified

The decision of the Supreme Court just rendered sustains the action of the City Court of Aurora, pointing out that, "the constantly increasing density of our urban populations, the multiplying forms of industry and the growing complexity of our civilization make it necessary for the State, either directly or through some public agency by its sanction, to limit individual activities to a greater extent than formerly. With the growth and development of the State the police power necessarily develops, within reasonable bounds, to meet the changing conditions. The power is not circumscribed by precedents arising out of past conditions, but is elastic and capable of expansion in order to keep pace with human progress. Uses of private property detrimental to the community's welfare may be regulated or even prohibited. No general zoning plan, however, can be inaugurated without incurring complaints of hardship in particular instances. But the individual whose use of his property may be restricted is not the only person to be considered. The great majority, whose enjoyment of their property rights requires the imposition

of restrictions upon the use to which private property may be put, must also be taken into consideration. The exclusion of places of business from residential districts is not a declaration that such places are nuisances, or that they are to be suppressed as such, but it is a part of the general plan by which the city's territory is allotted to different uses in order to prevent, or at least reduce, the congestion, disorder and dangers which often inhere in unregulated municipal development."

Apartment Plan Loses

The Supreme Court pointed out further that, "even if appellants' property could be used more profitably for business than for residential purpose, that fact would be inconsequential in the broad aspects of the case. Every exercise of the police power relating to the use of land is likely to affect adversely the property rights of some individual. Uncompensated obedience to proper police regulations has often been required."

Another important decision, rendered at the same time, involved the zoning ordinance of the City of Evanston, which was sustained by the Superior Court of Cook County in a case brought by Sarah V. Brown Deynzer in June, 1923, resulting from the refusal of the City of Evanston to amend the zoning ordinance to permit the construction of an apartment building on property located on Sheridan road, north of Milburn street and just south of the Evanston light-house.

Hearings Give All Voice

The decree of the Superior Court of

Cook County was sustained by the Supreme Court on the ground that "The zoning ordinance was the result of study and investigation during many months. Expert assistance was employed in formulating it. Public hearings were held upon the ordinance, at which interested parties were heard. The whole city was included within its provisions. We cannot upon this record say that the ordinance is an unreasonable exercise of power, without rational relations to the public health, morals, safety or general welfare."

It is considered by Village officials that these two decisions have a most important bearing on the legality of the zoning ordinance of the Village of Winnetka, and that its provisions are greatly strengthened thereby.

Mrs. M. H. Lieber, 468 Ridge avenue, a member of the state committee on education, for the Illinois League of Women Voters, will be the speaker for the citizenship committee of the Young Women's Christian association. Her subject will be "Why Should I Vote at the Primaries?"

Mr. and Mrs. William V. Merriman, 140 Euclid avenue, Glencoe, opened their home Tuesday, February 16, at 8 o'clock, for a choir party and rehearsal of the Winnetka Congregational church adult choir. A delightful program and dainty refreshments were enjoyed by the guests.

Mr. and Mrs. Dwight Ingram of 1423 Asbury avenue, Hubbard Woods, announce the birth of a son, Fielder Colby, at the Lying-in hospital, Wednesday, February 10. Prior to her marriage, Mrs. Ingram was Miss Dorothy Fielder.

Mrs. M. W. Levernier of 415 Provident avenue, who has been in Los Angeles for some time, is expected home about March 1.

Daniel F. Stilling, Jr., 159 Bertling lane, is at St. Luke's hospital recovering from an operation on his knee.

PRINTING of CHARACTER

Does your printed matter lend dignity to your business? It should, if it is to be of value to you. It should above all show thought and care by the printer.

Poor printing is money wasted, good printing is of great value to the user because it signifies character.

*We do Printing
That has Character*

Lloyd Hollister

Incorporated

564 Lincoln Avenue



Start Right Now

and brings out that beauty which has been hidden behind a mask of shallow, lifeless skin;

Facial massage produces results.

Hot Oil and Scalp Treatment restore the life and lustre of the hair.

Take advantage of our special prices on Permanent Waving.

Marinello Beauty Shop

HANNA N. ANDERSON
733 Elm St. Phone 822

Slate and Tile Roofing
Sheet Metal Work
Slate Walks and Terraces
Interior or Exterior

WILLIAM L. WENTE

Sheet Metal Contractor
Phone Winn. 225 874 Center St., Hubbard Woods