ZONE MONOPOLY HARD HIT.
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ZONE MONOPOLY HARD HIT.

Undeterred by the organization of property owners to fight as unconstitutional the practice of the city of passing ordinances restricting districts to residences and creating a monopoly in favor of those stores and establishments already inside the districts, the Council yesterday authorized City Attorney Burnell to amend the zoning ordinance creating an addition to residential zone No. 4. This is to be on Alvarado street from Tenth to Eleventh streets, and under the ordinance only new residences hereafter, and apartment-houses may be built and operated inside of this zone.

Under the terms of the ordinance any business establishment now located inside of any residential zone may operate there undisturbed by new competition until March 1, 1925, when it must move.

Opponents of the zoning ordinances declare that the city has not the legal right to thus discriminate between citizens. The city several years ago carried to the highest courts the so-called Madacheck case, where the city endeavored to create an industrial district and to force a brickyard to locate inside of that district. The Supreme Court held that the city had the right to create an industrial district, but Attorney Milton M. Cohen, representing Wilshire district property owners, who are preparing to fight the zoning ordinance in the courts, holds that the Madacheck case does not apply to the residential zoning ordinance, as the present controversy is over whether or not the city has the right to create a residence district and to keep out of it legitimate business not already established there, and after giving business establishments already operating inside the zone a monopoly for five years, then to force them to move to other parts of the city.

Assistant City Attorney Stephens stated to the Council yesterday that if the courts do uphold the zoning ordinances the judges will be going further than they have so far done in conceding the rights of municipalities over private business. Mr. Stephens stated further that there was, on the other hand, no doubt in his mind that the courts would uphold that provision of the phase of local zoning legislation, which prevents public garages from operating inside of residential zones.