



Dewey Beach obligated to follow its own rules

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The tiny incorporation of Dewey Beach -- the only town in the state without a **property tax** -- is slowly taking on the stigma of being the most-sued municipality in Delaware.

Most people need a scorecard of some sort to keep track of which board or committee is being sued at any given time. Dewey bloggers and activists have recently been broadcasting that the town is having trouble finding an insurance company that will take on the well-known risk.

One thing that Dewey's part-time officials seem to have trouble understanding is that once an incorporated municipality adopts planning and zoning laws and regulations, the town is as bound by law to abide by those as the public and developers are.

Developers, for the most part, realize this and have wasted no time in bringing lawsuits whenever the town or any of its committees have tended to stray from the law.

The Delaware Supreme Court recently overruled the town's board of adjustment and a Superior Court ruling on a 2007 redevelopment plan. Now, the same developer, Dewey Beach Enterprises, has filed a suit to overturn the town's latest attempt to control the height of buildings at 35 feet or less.

Dewey Beach Enterprises wants to raze the existing Ruddertowne complex on the bay side and replace it with a \$100 million hotel-condominium-restaurant resort.

The lawsuit claims the latest ordinance regarding building height illegally grants the right to determine building heights to the town voters in violation of local and state codes.

The suit also contends the officials have shown a "protracted animosity toward the developer" and

efforts to revitalize Dewey's commercial center.

That, of course, is a fancy way of saying the town officials are harassing the developer because they don't like what is being proposed.

Those are weak and almost always legally questionable positions for a local government to take.

The ironic aspect of this drawn-out development case is that the town officials originally all signed off in approval of the plans.

A reversal by the town solicitor in 2007 marked the beginning of the current legal entanglements.

Dewey's legal battles with developers and business may in fact be personality conflicts. Or maybe not.

It could be time for Dewey Beach to give its charter a solid legal review by an outside source. And then stay within the codes it calls for.

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