



Building Department

City of Sanibel
Building Department
2475 Library Way
Sanibel, FL 33957
Phone: 239-472-4555

Building Official Response for Petition #317 – Code 2023 Florida Building Codes Chief Building Official Craig Mole'

The permits for the build back of the Sanibel Island Whitecaps development 2907 West Gulf Dr which includes four duplex structures (permits # BLDR-2024-017219, 017228, 017232, 017233) and one 1 family structure (not yet permitted) were submitted in September 2024 and were issued in July 2025 and are currently under construction.



Proposed development marketing photo



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Under construction photo

The proposed development is in the Sanibel resort housing district which allows transient rentals of the properties for less than 1 month. These structures are not owner occupied and will be offered as transient rentals when completed. The owners were provided with code requirements for transient rentals at the time of permitting including the requirements for fire suppression systems and Florida Accessibility Compliance. The premanufactured units were purchased prior to permitting and are single family constructed modular homes combined to create a duplex structure. The units were constructed without any accessibility features. The development is in flood zones AE10, AE11, and VE12. The structures are in AE10 requiring them to be raised to BFE plus 1-foot 11NAVD. The existing old structures were separately constructed at grade in the 1950's and were destroyed by Hurricane Ian in 2022. Sanibel zoning allows the structures to be built back in the same square footage for a certain time after a major disaster as the site coverage for this development is non-compliant with current land development code.



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← ↻ 📄 <https://www.gopherrental.com/white-caps-cottages/>



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White Caps Cottages Vacation Condo Rentals

8 One Bedroom units & 1 three bedroom cottage

Beach Front Complex – 2877 West Gulf Drive, Sanibel, FL 33957

White Caps, featuring eight one bedroom one bath cottages and one three bedroom cottage each with Gulf Views. Amenities include the Gulf beach for swimming and shelling. Minutes from shopping and fine restaurants.

Minimum rental stay – 7 nights

Maximum Occupancy: 4

Summer Season: \$1,150 – \$1,400 per week

Winter Season: \$2,250 – \$2,600 per week

Posted Rates are average rates for a complex – actual unit rates are set by the unit owner and will vary based on unit selected. Rates are subject to change without notice.

[White Caps Site Plan & Floor Plan 5, 6, 9](#)

[White Caps Floor Plan 2, 3, 4, 7, 8](#)

Sanibel – A Small Island With a Big Promise

And the promise is "You'll love Sanibel. You won't want to go home!" Sanibel is truly a unique and delightful place to enjoy a vacation. It's not a large island, only 10 miles long. But it's an island with pizzazz. Miles of world famous beaches and winding bike paths, golf courses and tennis courts to keep you in shape, restaurants and shops to cover any taste and museums and theatres to feed your artistic spirit. If you'd like a calm, friendly island vacation you can enjoy the sanctuary lands. Over half of the island is set aside as preserved land for you, the wildlife and the beautiful sub-tropical vegetation. You can take a walk or ride there and enjoy the beauty of the island and watch the wildlife in their natural setting. Sanibel is unique – a one-of-a-kind. It has this wonderful balance between the natural world and the elegant vacation world. Come and see for yourself. The real estate options are many. There are lots of places to stay such as the White Caps Cottages where you can unwind, relax and have a wonderful vacation in your own private space.

White Cap Cottages

The White Cap Cottages is a neighborhood of nine free-standing, water-front bungalows on West Gulf Drive. Eight of them are one-bedroom cottages of 585 square feet and one is a three bedroom cottage with 1480 square feet. They are close enough to the water to see the gulf from any room. And you can certainly be soothed by the sounds of the surf. It's nice to open the front door and have the beach just steps away. The cottages are furnished and equipped so you just move in and relax. There is a BBQ so you can enjoy the fun of a beach-front picnic while you watch the sun go down. Gopher Enterprises knows this property and will help you find the right cottage.

Gopher Enterprises

Gopher Enterprises is devoted to serving your special real estate needs as a vacationing renter. They are a pioneer in this field of renter service. They're the first local company to recognize these needs and develop systems and programs to make it easy for the renter to enjoy a worry-free vacation. They have been doing it for over 30 years and doing it so well that families return to them year after year for their sensitive and professional service. Their success is based on the belief that a good local service requires a strong local presence with extensive local experience. That's what they do. Let them help you. Call them and experience the Gopher quality.



Online rental advertisement

The existing permits were issued with required sprinkler systems, vertical accessibility, and accessibility features required by code. In November the developer submitted a revision that removed the sprinkler systems, vertical accessibility, and accessibility features which were rejected by the Building Official and the Fire Marshal. The owners did unsuccessfully appeal the Building Officials decision to the Sanibel Board of Appeals on November 20, 2025.



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During the review process the owners were provided with and refused the option to remove the ability to transient rent these structures in their owner's association documents and Sanibel zoning ability to rent for less than one month. Based on the transient nature of these rental units not owner occupied, the structures were deemed to be R-1 transient occupancy per Section 310.3.

Section 455 Public Lodging Establishments

Section 455.2 Definitions – see section 509.013

(4)(a) "Public lodging establishment" includes a transient public lodging establishment as defined in subparagraph 1. and a nontransient public lodging establishment as defined in subparagraph 2.

1. "Transient public lodging establishment" means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests more than three times in a calendar year for periods of less than 30 consecutive days or which is advertised or held out to the public as a place regularly rented to guests for periods of less than 30 consecutive days.

(b) The following are excluded from the definitions in paragraph (a):

1. Any dormitory or other living or sleeping facility maintained by a public or private school, college, or university for the use of students, faculty, or visitors.

2. Any facility certified or licensed and regulated by the Agency for Health Care Administration or the Department of Children and Families or other similar place regulated under s. [381.0072](#).

3. Any place renting four rental units or less, unless the rental units are advertised or held out to the public to be places that are regularly rented to transients.

4. Any unit or group of units in a condominium, cooperative, or timeshare plan and any individually or collectively owned one-family, two-family, three-family, or four-family dwelling house or dwelling unit that is rented for periods of at least 30 days or 1 calendar month,



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whichever is less, and that is not advertised or held out to the public as a place regularly rented for periods of less than 1 calendar month, provided that no more than four rental units within a single complex of buildings are available for rent.

5. Any migrant labor camp or residential migrant housing permitted by the Department of Health under ss. [381.008-381.00895](#).

6. Any establishment inspected by the Department of Health and regulated by chapter 513.

7. Any nonprofit organization that operates a facility providing housing only to patients, patients' families, and patients' caregivers and not to the general public.

8. Any apartment building inspected by the United States Department of Housing and Urban Development or other entity acting on the department's behalf that is designated primarily as housing for persons at least 62 years of age. The division may require the operator of the apartment building to attest in writing that such building meets the criteria provided in this subparagraph. The division may adopt rules to implement this requirement.

9. Any roominghouse, boardinghouse, or other living or sleeping facility that may not be classified as a hotel, motel, timeshare project, vacation rental, nontransient apartment, bed and breakfast inn, or transient apartment under s. [509.242](#).

509.242 Public lodging establishments; classifications.—

(1) A public lodging establishment shall be classified as a hotel, motel, nontransient apartment, transient apartment, bed and breakfast inn, timeshare project, or vacation rental if the establishment satisfies the following criteria:

(a) *Hotel*.—A hotel is any public lodging establishment containing sleeping room accommodations for 25 or more guests and providing the services generally provided by a hotel and recognized as a hotel in the community in which it is situated or by the industry.

(b) *Motel*.—A motel is any public lodging establishment which offers rental units with an exit to the outside of each rental unit, daily or weekly rates, offstreet parking for each unit, a central office on the



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property with specified hours of operation, a bathroom or connecting bathroom for each rental unit, and at least six rental units, and which is recognized as a motel in the community in which it is situated or by the industry.

(c) *Vacation rental.*—A vacation rental is any unit or group of units in a condominium or cooperative or any individually or collectively owned single-family, two-family, three-family, or four-family house or dwelling unit that is also a transient public lodging establishment but that is not a timeshare project.

(d) *Nontransient apartment.*—A nontransient apartment is a building or complex of buildings in which 75 percent or more of the units are available for rent to nontransient tenants.

(e) *Transient apartment.*—A transient apartment is a building or complex of buildings in which more than 25 percent of the units are advertised or held out to the public as available for transient occupancy.

Based on Sections 310.3 and 455/461 these units are designated Transient R-1 Occupancy and Transient Public Lodging Establishments

The following Fire Protection System is required for R-1 Occupancies that are not owner occupied:

[F] 903.2.8 Group R.

An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.

[F] 903.3 Installation requirements.



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Automatic sprinkler systems shall be designed and installed in accordance with Sections 903.3.1 through 903.3.8.

[F] 903.3.1 Standards.

Sprinkler systems shall be designed and installed in accordance with Section 903.3.1.1 unless otherwise permitted by Sections 903.3.1.2 and 903.3.1.3 and other chapters of this code, as applicable.

[F] 903.3.1.1 NFPA 13 sprinkler systems.

Where the provisions of this code require that a building or portion thereof be equipped throughout with an automatic sprinkler system in accordance with this section, sprinklers shall be installed throughout in accordance with NFPA 13 except as provided in Sections 903.3.1.1.1 and 903.3.1.1.2.

[F] 903.3.1.1.2 Bathrooms.

In Group R occupancies, other than Group R-4 occupancies, sprinklers shall not be required in bathrooms that do not exceed 55 square feet (5 m²) in area and are located within individual dwelling units or sleeping units, provided that walls and ceilings, including the walls and ceilings behind a shower enclosure or tub, are of noncombustible or limited-combustible materials with a 15-minute thermal barrier rating.

[F] 903.3.1.2 NFPA 13R sprinkler systems.

Automatic sprinkler systems in Group R occupancies up to and including four stories in height in buildings not exceeding 60 feet (18 288 mm) in height above grade plane shall be permitted to be installed throughout in accordance with NFPA 13R.

The number of stories of Group R occupancies constructed in accordance with Sections 510.2 and 510.4 shall be measured from the horizontal assembly creating separate buildings.



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2023 Florida Accessibility Code Requires Transient Lodging to comply with vertical accessibility and accessible features as follows:

2023 Florida Accessibility Code 106.5 Defined Terms.

Transient Lodging: A building or facility containing one or more guest room(s) for sleeping that provides accommodations that are primarily short-term in nature. Transient lodging does not include residential dwelling units intended to be used as a residence, inpatient medical care facilities, licensed long-term care facilities, detention or correctional facilities, or private buildings or facilities that contain not more than five rooms for rent or hire and that are actually occupied by the proprietor as the residence of such proprietor.

Place of Public Accommodation. A facility, operated by a private entity, whose operations affect commerce and fall within at least one of the following categories:

- 1. (1) Places of lodging. Except for an establishment located within a facility that contains not more than five rooms for rent or hire and that actually is occupied by the proprietor of the establishment as the residence of the proprietor. For purposes of this part, a facility is a “place of lodging” if it is—***
 - 1. (i) An inn, hotel, or motel; or***
 - 2. (ii) A facility that—***
 - 1. (A) Provides guest rooms for sleeping for stays that primarily are short-term in nature (generally 30 days or less) where the occupant does not have the right to return to a specific room or unit after the conclusion of his or her stay; and***
 - 2. (B) Provides guest rooms under conditions and with amenities similar to a hotel, motel, or inn, including the following—***
 - 1. (1) On- or off-site management and reservations service;***
 - 2. (2) Rooms available on a walk-up or call-in basis;***
 - 3. (3) Availability of housekeeping or linen service; and***
 - 4. (4) Acceptance of reservations for a guest room type without guaranteeing a particular unit or room until check-in, and without a prior lease or security deposit.***



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Resort condominiums are considered to be public lodging establishments pursuant to Section 509.242, F.S.;

206.2.3 & 224 New Multi-Story Buildings and Facilities require Vertical Accessibility to be provided. The owners attempted to submit a waiver through the Building Commission but were told they would be rejected. There are a number of these old cottage developments that are rebuilding, two others went through the waiver process but were both denied.

Codes / Florida / 2023 Florida Building Code, Accessibility, Eighth Edition
Chapter 2: Scoping Requirements



206.2.3 Multi-Story Buildings and Facilities.

At least one accessible route shall connect each story and mezzanine in multi-story buildings and facilities.

Notwithstanding the requirements and exceptions of this section, section 201.1.1 shall apply.

EXCEPTIONS:

- 1.Reserved.
- 2.Reserved.
- 3.Reserved.
- 4.Reserved.
- 5.Reserved.
- 6.Reserved.
- 7.Reserved.

Advisory 206.2.3 Multi-Story Buildings and Facilities. Spaces and elements located on a level not required to be served by an accessible route must fully comply with this code. While a mezzanine may be a change in level, it is not a story. If an accessible route is required to connect stories within a building or facility, the accessible route must serve all mezzanines.

Advisory 206.2.3 Multi-Story Buildings and Facilities Exceptions.

Exceptions 1–7 are preempted by Florida vertical accessibility requirements of s.553.509, F.S., as incorporated in section 201.1.1. Florida requirements may be waived down to the ADA Standards requirements.

Note: The following Advisories on the Exceptions to 206.2.3 are provided for consideration when waiving Florida Vertical Accessibility requirements down to ADA Standards for Accessible Design.

Advisory 206.2.3 Multi-Story Buildings and Facilities Exception 1. Note that Exception 1 as presented in the 2004 ADAAG must also comply with the elevator exemption criteria of 28 CFR 36.401(d). The elevator exemption is authorized by 28 CFR 36.401(d) and applies only to private entities governed by Title III but not to public entities governed by Title II and 28 CFR, Part 35. Note also that 28 CFR 36.401(d)(2) and (3) provide specific criteria expanding on the criteria of Exception 1 that must be considered in a waiver of Florida vertical accessibility.

Advisory 206.2.3 Multi-Story Buildings and Facilities Exception 2. Note that Exception 2 for a required accessible route applies to public entities, is not modified by 28 CFR, Part 35 and parallels the exception for vertical accessibility in s.553.509(1)(c), F.S., and 201.1.1(3).

Advisory 206.2.3 Multi-Story Buildings and Facilities Exception 4. Where common use areas are provided for the use of residents, it is presumed that all such common use areas "serve" accessible dwelling units unless use is restricted to residents occupying certain dwelling units. For example, if all residents are permitted to use all laundry rooms, then all laundry rooms "serve" accessible dwelling units. However, if the laundry room on the first floor is restricted to use by residents on the first floor, and the second floor laundry room is for use by occupants of the second floor, then first floor accessible units are "served" only by laundry rooms on the first floor. In this example, an accessible route is not required to the second floor provided that all accessible units and all common use areas serving them are on the first floor.

224 TRANSIENT LODGING GUEST ROOMS

Transient lodging Guest Rooms shall provide guest rooms in accordance with 224



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224.1 General.

Transient lodging facilities shall provide guest rooms in accordance with 224.

Notwithstanding the requirements of this section, section 201.1.1 shall apply.

Advisory 224.1 General. Certain facilities used for transient lodging, including time shares, dormitories, and town homes may be covered by both these requirements and the Fair Housing Amendments Act. The Fair Housing Amendments Act requires that certain residential structures having four or more multi-family dwelling units, regardless of whether they are privately owned or federally assisted, include certain features of accessible and adaptable design according to guidelines established by the U.S. Department of Housing and Urban Development (HUD). This law and the appropriate regulations should be consulted before proceeding with the design and construction of residential housing.

Florida vertical accessibility requirements of s.553.509, F.S., as incorporated in section 201.1.1 require vertical access to all levels. Florida requirements may be waived down to the ADA Standards requirements.

224.1.2 Guest Room Doors and Doorways.

Entrances, doors, and doorways providing user passage into and within guest rooms that are not required to provide mobility features complying with 806.2 shall comply with 404.2.3.

EXCEPTION: Shower and sauna doors in guest rooms that are not required to provide mobility features complying with 806.2 shall not be required to comply with 404.2.3.

Advisory 224.1.2 Guest Room Doors and Doorways. Because of the social interaction that often occurs in lodging facilities, an accessible clear opening width is required for doors and doorways to and within all guest rooms, including those not required to be accessible. This applies to all doors, including bathroom doors, that allow full user passage. Other requirements for doors and doorways in Section 404 do not apply to guest rooms not required to provide mobility features.

224.2 Guest Rooms with Mobility Features.



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In transient lodging facilities, guest rooms with mobility features complying with 806.2 shall be provided in accordance with Table 224.2.

TABLE 224.2

GUEST ROOMS WITH MOBILITY FEATURES

	Minimum Number of Required Rooms Without Roll-in Showers	Minimum Number of Required Rooms With Roll-in Showers	Total Number of Required Rooms	Florida 5%
1 to 25	1	0	1	See Section 224.6.3
26 to 50	2	0	2	
51 to 75	3	1	4	
76 to 100	4	1	5	
101 to 150	5	2	7	
151 to 200	6	2	8	
201 to 300	7	3	10	
301 to 400	8	4	12	
401 to 500	9	4	13	
501 to 1000	2 percent of total	1 percent of total	3 percent of total	
1001 and over	20, plus 1 for each 100, or fraction thereof, over 1000	10, plus 1 for each 100, or fraction thereof, over 1000	30, plus 2 for each 100, or fraction thereof, over 1000	



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224.4 Guest Rooms with Communication Features.

In transient lodging facilities, guest rooms with communication features complying with 806.3 shall be provided in accordance with Table 224.4.

TABLE 224.4

GUEST ROOMS WITH COMMUNICATION FEATURES

Total Number of Guest Rooms Provided	Minimum Number of Required Guest Rooms With Communication Features
2 to 25	2
26 to 50	4
51 to 75	7
76 to 100	9
101 to 150	12
151 to 200	14
201 to 300	17
301 to 400	20
401 to 500	22
501 to 1000	5 percent of total
1001 and over	50, plus 3 for each 100 over 1000

224.6 Places of Lodging.



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Places of lodging shall comply with the requirements for transient lodging guest rooms in sections 224 and 806.

EXCEPTION: Alterations to guest rooms in places of lodging where the guest rooms are not owned or substantially controlled by the entity that owns, leases, or operates the overall facility and the physical features of the guest room interiors are controlled by their individual owners are not required to comply with § 36.402 or the alterations requirements in section 224.1.1 of the 2010 Standards.

224.6 Places of Lodging.

Places of lodging shall comply with the requirements for transient lodging guest rooms in sections 224 and 806.

EXCEPTION: Alterations to guest rooms in places of lodging where the guest rooms are not owned or substantially controlled by the entity that owns, leases, or operates the overall facility and the physical features of the guest room interiors are controlled by their individual owners are not required to comply with § 36.402 or the alterations requirements in section 224.1.1 of the 2010 Standards.

224.6.3 Buildings, Structures, or Facilities Licensed as a Hotel, Motel, or Condominium Pursuant to Chapter 509, F.S.

All buildings, structures, or facilities licensed as a hotel, motel, or condominium pursuant to chapter 509, F.S., a number of rooms equaling at least 5 percent of the guest rooms minus the Total Number of Required (accessible) Rooms required by Table 224.2 shall provide special accessibility features of 806.4.



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The City of Sanibel review of the permits located at 2907 West Gulf Drive is in compliance with the 2023 Florida Building Codes. The structures could be combined or linked by an upper-level walkway which connects the units thus requiring only 1 elevator/lift and minimizing the required accessibility features.

Please contact me If additional information is required

ISSUE BY: Craig Mole'
Building Official, Craig Mole'

ISSUE DATE 12-9-2025