

**ARCHITECTURAL EXAMINING BOARD[193B]**

**Notice of Intended Action**

**Proposing rule making related to professional architectural services  
and providing an opportunity for public comment**

The Architectural Examining Board hereby proposes to amend Chapter 5, “Exceptions,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 544A.29.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 544A.18.

*Purpose and Summary*

The rules in Chapter 5 provide definitions of structures and describe when professional architectural services are needed. The proposed amendments provide greater clarity both to building officials and members of the public as to when the services of an architect are required.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 193—Chapter 5.

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received no later than 4:30 p.m. on March 20, 2018. Comments should be directed to:

Lori SchraderBachar  
Architectural Examining Board  
200 East Grand Avenue, Suite 350  
Des Moines, Iowa 50309  
Email: [lori.schraderbachar@iowa.gov](mailto:lori.schraderbachar@iowa.gov)

*Public Hearing*

A public hearing at which persons may present their views orally or in writing will be held as follows:

March 20, 2018  
9 to 9:30 a.m.

Board Office, Suite 350  
200 East Grand Avenue  
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule 193B—5.1(544A) as follows:

**193B—5.1(544A) Definitions.** The following definitions apply as used in Iowa Code chapter 544A, and this chapter of the architectural examining board rules, ~~unless the context otherwise requires.~~

~~“Accessory buildings” means one or more buildings separate from, but accessory to, a main building, including, but not limited to, a garage or storage building serving a main building.~~ a building or structure of an accessory character and miscellaneous structures not classified in any specific occupancy or use. ~~“Accessory buildings” shall be constructed, equipped and maintained to conform to the requirements corresponding to the fire and life hazard incidental to the buildings’ occupancy. “Accessory buildings” is intended to encompass the uses listed in Group U of the 2015 International Building Code ®.~~

~~“Agricultural building” means a structure designed to house farm implements, hay, grain, poultry, livestock or other agricultural products. For the purpose of this definition, this structure shall not contain habitable space or a place of employment where agricultural products are processed or treated or packaged; nor shall it be a place used by the public.~~

~~“Alter” or “alteration” means any change, addition or modification to an existing building in its construction or occupancy.~~

~~“Basement” means any floor level below the first story in a building, except that a floor level in a building having only one floor shall be classified as a basement unless such floor level qualifies as a first story as defined herein.~~

~~“Church” means a building or portion thereof intended for the performance of religious services.~~

~~“Commercial” or “commercial use” means any of the following:~~

- ~~● A building used for buying, selling or exchange of goods or services,~~
- ~~● Drinking and dining establishments having an occupant load of fewer than 50,~~
- ~~● Wholesale and retail stores,~~
- ~~● Office buildings,~~
- ~~● Printing plants,~~
- ~~● Factories and workshops, and~~
- ~~● Buildings or portions of buildings having rooms used for educational purposes beyond the twelfth grade, with fewer than 50 occupants in any room.~~

~~“Commercial” does not include the other uses described herein:~~

- ~~● Accessory buildings,~~
- ~~● Educational buildings,~~
- ~~● Factory-built buildings,~~

- ~~Governmental-use buildings,~~
- ~~Industrial-use buildings,~~
- ~~Institutional-use buildings,~~
- ~~Hazardous-use buildings,~~
- ~~Light industrial,~~
- ~~Places of assembly,~~
- ~~Residential dwellings, and~~
- ~~Warehouses.~~

1. The use of a building or structure, or a portion thereof, for office, professional, or service-type transactions, including storage of records and accounts.

2. The use of a building or structure, or a portion thereof, for the display and sale of merchandise, and involves stocks of goods, including wares or merchandise incidental to such purposes and accessible to the public.

“Commercial use” is intended to encompass the uses listed in Group B and Group M of the 2015 International Building Code ®.

“Detached” means a structure separated by distance and not connected to another structure.

“ Dwelling unit ” means any building or portion thereof which contains a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, or cooking and sanitation, for not more than one family, or a congregate residence, such as a group home for ten or fewer persons.

“Educational use” means a building used for educational purposes through the twelfth grade for more than 12 hours per week or more than 4 hours in any one day, and any building used for day-care purposes for more than six children the use of a building or structure, or a portion thereof used (1) by six or more persons at any one time for education purposes through twelfth grade; or (2) by six or more children for day care purposes. Rooms and spaces within places of religious worship providing such day care during religious functions and day cares serving five or fewer children shall be classified as part of the primary occupancy. “Educational use” is intended to encompass the uses listed in Group E of the 2015 International Building Code ®.

“Factory-built buildings” means buildings that have been designed, engineered, fabricated and wholly or partly assembled in a manufacturing facility for assembly and installation on a building site. A preengineered building utilizing standard building components assembled on the building site is not considered a “factory-built building.” Such factory-built buildings, in order to qualify for the exception established by Iowa Code section 544A.18, must either: any structure which is, wholly or in substantial part, made, fabricated, formed, or assembled in manufacturing facilities for installation, or assembly and installation, on a building site. “Factory-built buildings” includes the terms “mobile home,” “manufactured home,” and “modular home.”

1. ~~Not exceed limitations on size and use established by Iowa Code section 544A.18, or~~

2. ~~The seal applied by a professional engineer or architect shall apply to the entire assembly, not a specific element of the assembly.~~

“Family dwelling unit” is any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation, for not more than one family. Congregate residences, such as group homes, are not “family dwelling units.” means the same as “dwelling unit.”

“Governmental use” means a building or portion of a building owned or occupied by a municipal, county, state, federal, or other public agency including, but not limited to, municipal fire and police stations and libraries.

“Gross floor area” means the aggregate floor area of an entire building enclosed by and including the surrounding exterior walls, and including the aggregate total area of existing, new and additional construction which is physically connected by enclosed space the area included within the surrounding exterior walls of a building. Areas of the building not provided with surrounding walls shall be included in the building area if such areas are included within the horizontal projection of the supporting structure of the roof or floor above.

*“Habitable space (room)”* means a space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered “habitable space.”

*“Hazardous use”* means the use of a building or structure, or a portion thereof, which involves the manufacturing, processing, generation or storage of materials that constitute a physical or health hazard. “Hazardous use” is intended to encompass the uses listed in Group H of the 2015 International Building Code ®.

*“Industrial use”* means ~~any of the following:~~ the use of a building or structure, or a portion thereof, for assembling, disassembling, fabricating, finishing, manufacturing, packaging, repair, or processing operations that are not classified as hazardous use. “Industrial use” is intended to encompass the uses listed in Group F of the 2015 International Building Code ®.

● ~~A building used for the manufacturing, fabrication, or assembly of goods or materials including aircraft hangars;~~

- ~~Open parking garages;~~
- ~~Helistops;~~
- ~~Ice plants;~~
- ~~Power plants;~~
- ~~Pumping plants;~~
- ~~Cold storage and creameries; and~~
- ~~Factories and workshops.~~

*“Institutional use”* means ~~any of the following:~~ the use of a building or structure, or a portion thereof, in which persons are receiving custodial or medical care, in which persons are detained for penal or correctional purposes or in which the liberty of the occupants is restricted. Day care facilities as defined in educational use are not considered institutional uses. “Institutional use” is intended to encompass the uses listed in Group I of the 2015 International Building Code ®. Facilities with five or fewer persons receiving custodial care may be considered a residential use or be considered part of the primary occupancy as listed in Group I of the 2015 International Building Code ®.

● ~~Nurseries for the full-time care of children under the age of six, accommodating more than five persons;~~

- ~~Hospitals;~~
- ~~Sanitariums;~~
- ~~Nursing homes;~~
- ~~Homes for children six years of age or over, accommodating more than five persons;~~
- ~~Mental hospitals, mental sanitariums, jails, prisons, reformatories, and buildings where personal liberties of persons are similarly restrained;~~
- ~~Group homes; and~~
- ~~Adult day-care facilities.~~

*“International Building Code”* is a model building code developed by the International Code Council. The 2015 International Building Code ® is available from the state library of Iowa or the board or online at [codes.iccsafe.org](http://codes.iccsafe.org).

*“Light industrial”* means ~~buildings used solely to house industrial use that are not more than one story in height and not exceeding 10,000 square feet in gross floor area, or are not more than two stories in height and not exceeding 6,000 square feet in gross floor area~~ that involve fabrication or manufacturing of noncombustible materials which, during finishing, packing, or processing, are not classified as hazardous use.

*“Mixed building use”* means a building containing more than one use classification.

*“Nonstructural alterations”* means modifications to an existing building which do not include any changes to structural members of a building, or do not modify means of egress, handicap accessible routes, fire resistivity or other life safety concerns.

*“Occupancy”* means ~~the~~ a purpose for which a building, or part thereof, is used or intended to be used.

*“Office use”* means a building housing a commercial use.

“Outbuildings” has means the same meaning as “accessory buildings.”

“Place of assembly of people or public gathering” means a building or a portion of a building used for the gathering together of 50 or more persons for such purposes as deliberation, education, instruction, worship, entertainment, amusement, drinking or dining, or awaiting transportation the use of a building or structure, or a portion thereof, for the gathering of persons such as for civic, social, or religious functions; recreation, food or drink consumption; or awaiting transportation. “Place of assembly of people or public gathering” is intended to encompass the uses listed in Group A of the 2015 International Building Code ®. Places of assembly with occupancy of fewer than 50 people shall be considered part of the primary occupancy.

“Residential use” includes hotels, apartment houses, dwellings, and lodging houses means the use of a building or structure, or a portion thereof, for sleeping purposes when not classified as an institutional use. “Residential use” is intended to encompass the uses listed in Group R of the 2015 International Building Code ®.

“Story” means that portion of a building included between the upper surface of any floor and the upper surface of the floor or roof next above, except that the topmost story shall be that portion of the building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under floor space is more than 6 feet (1829 mm) above grade for more than 50 percent of the total perimeter or is more than 12 feet (3658 mm) above grade at any point, such usable or unused under floor space shall be considered a story.

“Story, first” means the lowest story of a building which qualifies as a story, as defined herein, except that the floor level in a building having only one floor level shall be classified as a first story, provided such floor is not more than 4 feet (1219 mm) below grade for more than 50 percent of the total perimeter, or not more than 8 feet (2438 mm) below grade at any point.

“Structural members” consists of building elements which carry an imposed load of weight and forces in addition to their own weight including, but not limited to, loads imposed by forces of gravity, wind, and earthquake. Structural members include, but are not limited to, footings, foundations, columns, load-bearing walls, beams, girders, purlins, rafters, joists, trusses, lintels, and lateral bracing.

“Structure” means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

“Use” has means the same meaning as “occupancy.”

“Warehouses” or “warehouse use” means a building used for the storage of goods or materials the use of a building or structure, or portion thereof, for storage that is not classified as a hazardous use. “Warehouse use” is intended to encompass the uses listed in Group S of the 2015 International Building Code ®.

ITEM 2. Amend rule 193B—5.3(544A) as follows:

**193B—5.3(544A) Building use takes priority over size.** ~~In all cases~~ The following criteria shall be used when applying the exceptions outlined in Iowa Code section 544A.18 and rule 193B—5.2(544A):

**5.3(1) Building use takes priority over size.** In all cases, the use of the building takes priority over the size. For example, a place of assembly or governmental use is not a commercial use, and would not constitute an exception even if the building is not more than one story in height and does not exceed more than 10,000 square feet in gross floor area.

**5.3(2) Mixed building use.** In the case that a building contains more than one use, the most stringent use is applied to the entire building when applying the exceptions. For example, a two-story building containing a 6,000 square foot commercial space as well as 6,000 square feet of residential space on the second floor would be considered a 12,000 square foot, two-story commercial building for the purposes of the exception matrix.

**5.3(3) Agricultural buildings.** Activities inherent to housing farm implements, farm inputs, farm products, and livestock or other agricultural products, such as record keeping, sanitation, storage of farm inputs, or equipment preparation, repair, or modifications, shall not be construed as a use in and of itself for the purposes of applying the exceptions. For example, welding operations to repair an implement or

grain-handling equipment would not trigger the consideration of an agricultural building or a portion of the building as an industrial use.

**5.3(4) Churches and accessory buildings.** When under the height and gross floor area noted in the exception and encompassing uses inherent to a church or an accessory building as defined, these buildings are exempted, even if the use within the building would normally not be exempted. For example, a church used as a place of assembly with occupancy of more than 50 people but still under the height and gross floor area noted would still be exempted even though the occupancy would place the building in the nonexempted category.

ITEM 3. Amend rule 193B—5.4(544A) as follows:

**193B—5.4(544A) Exceptions matrix.** The following matrix is compiled to illustrate the exceptions outlined in Iowa Code section 544A.18 and rule 193B—5.2(544A). The laws and rules governing the Practice of Engineering are not illustrated herein.

<b>BUILDINGS NEW CONSTRUCTION</b>			
<b>Building Use Type</b>	<b>Description</b>	<b>Architect Required</b>	<b>Architect May Not Be Required</b>
Agricultural use	Including grain elevators and feed mills		X
Churches and accessory buildings whether attached or separate	One or two stories in height, up to a maximum of 2,000 square feet in gross floor area		X
	Any number of stories in height, greater than 2,000 square feet in gross floor area	X	
	More than two stories in height	X	
Commercial use	One story in height, up to a maximum of 10,000 square feet in gross floor area		X
	One story in height, greater than 10,000 square feet in gross floor area	X	
	Two stories in height, up to a maximum of 6,000 square feet in gross floor area		X
	Two stories in height, greater than 6,000 square feet of gross floor area	X	
	More than two stories in height	X	
Detached residential use	One, two or three stories in height, containing 12 or fewer family dwelling units		X
	More than 12 family dwelling units	X	
	More than three stories in height	X	
	Outbuildings in connection with detached residential buildings		X
Educational use		X	
<del>Governmental use</del>		<del>X</del>	
<del>Hazardous use</del>		<del>X</del>	
Industrial use		X	
Institutional use		X	
Light industrial use			X
Places of assembly		X	

<b>BUILDINGS NEW CONSTRUCTION</b>			
<b>Building Use Type</b>	<b>Description</b>	<b>Architect Required</b>	<b>Architect May Not Be Required</b>
Warehouse use	One story in height, up to a maximum of 10,000 square feet in gross floor area		X
	One story in height, greater than 10,000 square feet in gross floor area	X	
	More than one story in height	X	
Factory-built buildings	Any height and size, if certified by a professional engineer licensed under Iowa Code chapter 542B		X
	One or two stories in height, up to a maximum of 20,000 square feet in gross floor area		X
	One or two stories in height, greater than 20,000 square feet in gross floor area	X	
	More than two stories in height	X	
	More than 20,000 square feet in gross floor area	X	

<b>ALTERATIONS TO EXISTING BUILDINGS</b>			
<b>Alteration Type</b>	<b>Description</b>	<b>Architect Required</b>	<b>Architect May Not Be Required</b>
Structural alterations to exempt buildings	Modifications which change the structural members, means of egress, handicap accessible path, fire resistivity or other life safety concerns		X
Structural alterations to nonexempt buildings	Modifications which change the structural members, means of egress, handicap accessible path, fire resistivity or other life safety concerns	X	
Nonstructural alteration	Which does not modify means of egress, handicap accessible path, fire resistivity or other life safety concerns		X
	Which maintains the previous type of use		X
Nonstructural alteration which changes the use of the building from any other use to:	A place of assembly of people or public gathering	X	
	<del>Governmental use</del>	<del>X</del>	
	Educational use	X	
	Hazardous use	X	
	<del>A place of residence</del> Residential use exempted		X
	<del>A place of residence</del> Residential use not exempted otherwise		
	and is one, two or three stories in height and contains not more than 12 family dwelling units		
	and is more than three stories in height	X	
	and containing more than 12 family dwelling units	X	

ALTERATIONS TO EXISTING BUILDINGS				
Alteration Type	Description		Architect Required	Architect May Not Be Required
Nonstructural alterations which change the use of the building from industrial or warehouse to:	Commercial or office use	and is one story in height and not greater than a maximum of 10,000 square feet in gross floor area		X
		and is one story in height and greater than 10,000 square feet in gross floor area	X	
		and is two stories in height and not greater than a maximum of 6,000 square feet in gross floor area		X
		and is two stories in height and greater than 6,000 square feet in gross floor area	X	
		and is more than two stories in height	X	
		and is greater than 10,000 square feet of gross floor area	X	
Nonstructural alterations to:	Agricultural use	Including grain elevators and feed mills		X
	Churches and accessory building uses	One or two stories in height, up to a maximum of 2,000 square feet in gross floor area		X
		Any number of stories in height, greater than 2,000 square feet in gross floor area	X	
		More than two stories in height	X	
	Commercial use	One story in height, up to a maximum of 10,000 square feet in gross floor area		X
		One story in height, greater than 10,000 square feet in gross floor area	X	
		Two stories in height, up to a maximum of 6,000 square feet in gross floor area		X
		Two stories in height, greater than 6,000 square feet in gross floor area	X	
		More than two stories in height	X	
	Detached residential buildings	One, two or three stories in height, containing 12 or fewer family dwelling units		X
		More than 12 family dwelling units	X	
		More than three stories in height	X	
		Outbuildings in connection with detached residential buildings		X
	Educational use		X	
	Governmental use		X	
	Hazardous use		X	
	Industrial use		X	
	Institutional use		X	
	Light industrial use			X
	Places of assembly		X	
	Warehouse use	One story in height, up to a maximum of 10,000 square feet in gross floor area		X
		One story in height, greater than 10,000 square feet in gross floor area	X	
		More than one story in height	X	
	Factory-built buildings	Any height and size if entire building is certified by a professional engineer licensed under Iowa Code chapter 542B		X



ALTERATIONS TO EXISTING BUILDINGS				
Alteration Type	Description		Architect Required	Architect May Not Be Required
		One or two stories in height, up to a maximum of 20,000 square feet of gross floor area		X
		One or two stories in height, greater than 20,000 square feet in gross floor area	X	
		More than two stories in height	X	
		More than 20,000 square feet in gross floor area	X	