

PETITION PURSUANT TO WARREN COUNTY ZONING ORDINANCE 43.05

Petitioner: New Pioneer Gun Club
To: Warren County Board of Supervisors
County: Warren County, Iowa
Sections Subject of Petition: Sections 41.11 and 42.08
Date: September 3, 2026

I. PURPOSE OF PETITION

This petition requests the Warren County Board of Supervisors amend the Warren County Zoning Ordinance so that outdoor shooting ranges, gun clubs, and similar uses, as permitted by Iowa Code section 657.9, are classified as permitted uses in the AG (Agricultural) District rather than as conditional uses subject to supplemental range specific standards. The amendment is warranted because the current classification does not conform to the framework the Iowa General Assembly established in Iowa Code sections 335.26 and 657.9 for the approval and regulation of shooting ranges. The amendment is countywide in application, prospective in effect, and does not rezone or otherwise act upon any particular property. The proposed amendments are submitted herewith as **Exhibit A**.

II. IOWA CODE SECTION 657.9 ESTABLISHES A SPECIFIC APPROVAL MECHANISM FOR SHOOTING RANGES

Iowa Code section 657.9(1) provides that before a person improves property acquired to establish, use, and maintain a shooting range by the erection of buildings, breastworks, ramparts, or other works, or before a person substantially changes the existing use of a shooting range, the person shall obtain the approval of the county zoning commission or the city zoning commission, whichever is appropriate. The General Assembly did not leave the approval of shooting ranges to whatever conditional use procedure a county might adopt for unrelated land uses. It identified the county zoning commission as the body responsible for that approval.

The statute also supplies the procedure. Section 657.9(1) directs that the appropriate commission shall comply with section 335.8 or 414.6, and, where no zoning commission exists, that the board of supervisors or city council shall comply with section 335.6 or 414.5. Iowa Code section 335.8 in turn requires the county zoning commission to prepare a preliminary report and hold public hearings before submitting its final report. The County therefore need not enact a local approval procedure for shooting ranges. The procedure attaches by operation of state law, and it affords notice and an opportunity for the public to be heard.

III. IOWA CODE SECTION 335.26 LIMITS THE CONDITIONS THE COUNTY MAY IMPOSE

Iowa Code section 335.26 addresses county regulation of shooting ranges directly. In approving the improvement of property acquired to establish, use, and maintain a new shooting range, or in approving a substantial change to an existing shooting range pursuant to section 657.9, subsection 1, the county zoning commission shall apply and enforce the regulations and restrictions established for each zoning district adopted pursuant to chapter 335, but:

shall not otherwise require a person seeking approval to comply with any conditions relating to the establishment, use, or maintenance of the shooting range that are more stringent than those imposed by state law.

Iowa Code § 335.26.

The statute strikes a balance. The County retains the authority to apply the regulations and restrictions it has established for the zoning district. It may not, however, require an applicant to satisfy additional conditions relating to the establishment, use, or maintenance of a shooting range that exceed what state law requires. That limitation bears directly on the County's present classification of outdoor shooting ranges as conditional uses subject to discretionary, range specific conditions.

IV. THE CURRENT CLASSIFICATION CONFLICTS WITH THE STATUTORY FRAMEWORK

The Ordinance presently designates outdoor shooting ranges, gun clubs, and similar uses in the AG District as a conditional use subject to supplemental standards. A conditional use permit is a discretionary approval and may be granted subject to conditions, limitations, and restrictions imposed by the deciding body. The supplemental standards in Section 42.08 include provisions under which the County may require an environmental assessment, a decommissioning plan, financial assurance, and a bond. Requirements of that character are precisely the additional conditions relating to the establishment, use, and maintenance of a shooting range that Iowa Code section 335.26 addresses.

There is also a structural inconsistency in the identity of the decision maker. Iowa Code section 657.9 assigns the approval of a new range or a substantial change to an existing range to the county zoning commission. The Ordinance assigns conditional use permits to the Board of Adjustment. As presently written, the Ordinance therefore contemplates two separate approvals for the same use: the approval required by state law from the Zoning Commission, and a discretionary conditional use permit from the Board of Adjustment. That overlap is a defect in the Ordinance. It burdens applicants, complicates administration for County staff, and creates uncertainty for neighboring landowners as to which body decides what. The proposed amendment resolves it in favor of the body the General Assembly identified.

V. CLASSIFYING SHOOTING RANGES AS PERMITTED USES DOES NOT ELIMINATE COUNTY REGULATION

The amendment would not create an unregulated use. A permitted use is authorized in the district subject to the regulations governing that district and to all other requirements imposed by law. Iowa Code section 335.26 expressly directs the County to apply and enforce the regulations and restrictions established for each zoning district. Following the amendment, an outdoor shooting range in the AG District would remain subject to each of the following.

First, the approval of the County Zoning Commission required by Iowa Code section 657.9 before a new range is established or an existing range is substantially changed. Second, the AG District bulk regulations in Section 41.02, including the minimum lot area of forty nominal acres for permitted uses other than dwellings, the required street frontage and lot width, the fifty foot

front and rear yard setbacks, the fifteen foot side yard setback, off street parking and loading under Sections 40.25 and 40.26, and buffering under Section 40.24. Third, the general performance standards of Section 42.07, which by their terms apply to all uses of land and structures unless otherwise specified and which address land use review and approvals, lighting under Section 40.23, signage under Section 40.22, buffering and screening under Section 40.24, parking and loading, refuse and recycling areas, noise, odor, and nuisance control, foundations and structural stability, and stormwater and impervious surface management. Fourth, all generally applicable County, state, and federal requirements, including the State Building and Fire Code and any review or permitting required by the Iowa Department of Natural Resources. Iowa Code section 657.9(3) further preserves actions for negligence and recklessness in the operation of a range or by a person using a range.

What the amendment removes is the second, discretionary layer: a conditional use permit before a body other than the one state law designates, together with the range specific supplemental conditions that exceed what state law requires. The generally applicable regulation of the district and of the Ordinance remains fully in force.

VI. THE AMENDMENT IS GENERAL, UNIFORM, AND PROSPECTIVE

The amendment to the text of the Ordinance is one of general applicability. It applies uniformly to every outdoor shooting range, gun club, and similar use in the AG District throughout unincorporated Warren County. It does not amend the zoning map, does not change the Future Land Use Map, and does not approve, rezone, or otherwise act upon any particular parcel. Any owner of AG land in the County would be subject to the same classification and the same requirements.

The amendment is also prospective. It does not ask the County to revisit any prior decision, to reinstate any prior classification, or to declare any prior action valid. The County is asked to determine the correct classification of outdoor shooting ranges under its Ordinance going forward, in light of the framework state law establishes, and thereafter to administer the amended Ordinance according to its terms. A site specific rezoning would not accomplish the same purpose. It would alter the zoning map, raise spot zoning concerns, convert agricultural land to a commercial classification, and leave the underlying inconsistency between the Ordinance and Iowa Code sections 335.26 and 657.9 unaddressed for every other property in the County.

VII. PROPOSED AMENDMENT

This petition respectfully proposes the following amendments. Each is a conforming consequence of the change in classification, and no new approval procedure or decision making body is created.

1. Section 41.11, Table of Uses. Change the designation of “Outdoor shooting ranges, gun clubs, and similar uses, as permitted by Iowa Code § 657.9” in the AG (Agricultural) District from “C*” to “P,” and change the corresponding entry in the Supplemental Standards (Chapter 42) column from “Yes” to “No.” Under the key to the table, “P” denotes a Principal Permitted Use and “C*” denotes a Conditional Use to which supplemental standards apply. No

other district designation in that row is changed, and the row for indoor shooting ranges is not amended.

2. Section 41.02, AG (Agricultural) Zoning District Regulations. Insert a new provision, immediately following the paragraph captioned “Uses,” establishing outdoor shooting ranges, gun clubs, and similar uses as principal permitted uses in the AG District subject to the regulations and restrictions established for the district, the general performance standards of Section 42.07, and all other generally applicable requirements of the Ordinance and of applicable state and federal law; requiring the approval of the County Zoning Commission under Iowa Code § 657.9 before a new range is established or an existing range is substantially changed; preserving outdoor shooting ranges lawfully established before the effective date of the provision as lawful existing uses; and reciting the limitation imposed by Iowa Code § 335.26.

3. Section 42.08, subheading for shooting ranges. Conform the subheading and its introductory sentence so that the supplemental standards for shooting ranges apply to indoor shooting ranges, gun clubs, and similar uses in the commercial and industrial districts. The reference making outdoor shooting ranges in the AG District conditionally permitted and subject to those conditions is deleted.

4. Conditions 1, 3, 8, and 16. Conform condition 1 so that it applies to indoor shooting ranges. Delete condition 3, the National Rifle Association design standards for outdoor shooting ranges, which has no application to indoor ranges, and reserve the numbering. Delete the reference in condition 8 to approval as part of a conditional use permit, which would no longer exist for this use, leaving approval as part of the site plan. Conform condition 16 so that it applies to existing indoor shooting ranges. Conditions 2, 4 through 7, and 9 through 15 are not amended and continue to apply to indoor shooting ranges.

A tracked changes version of the proposed ordinance text accompanies this petition.

VIII. CONCLUSION

Iowa Code section 657.9 assigns the approval of new and substantially changed shooting ranges to the county zoning commission and supplies the procedure for that approval. Iowa Code section 335.26 preserves the County’s authority to apply the regulations and restrictions established for the zoning district and withholds authority to require conditions relating to the establishment, use, or maintenance of a shooting range that are more stringent than state law. The Ordinance as presently written departs from that framework in both respects, by assigning a discretionary conditional use permit to a body other than the Zoning Commission and by subjecting the use to range specific conditions that exceed what state law requires. Petitioner respectfully requests that the County adopt the amendments set out above and any further conforming amendments necessary to bring the Ordinance into conformity with Iowa Code sections 335.26 and 657.9.

EXHIBIT A
PROPOSED ZONING ORDINANCE TEXT AMENDMENT
WARREN COUNTY ZONING ORDINANCE, CHAPTERS 41 AND 42

Applicant: New Pioneer Gun Club

Proposed additions are shown in red underlined text. Proposed deletions are shown in ~~gray strikethrough text~~. Provisions not reproduced below are unchanged. Section headings and numbering follow the Ordinance as most recently amended.

AMENDMENT 1. Section 41.11, Table of Uses.

The row of the Table of Uses for outdoor shooting ranges is amended as follows. No other district designation in that row is changed, and the row for indoor shooting ranges, gun clubs, and similar uses is not amended.

Use	AG	Supplemental Standards (Chapter 42)?
Outdoor shooting ranges, gun clubs, and similar uses, as permitted by Iowa Code § 657.9	C * <u>P</u>	Yes <u>No</u>

Under the key to the Table of Uses, “P” denotes a Principal Permitted Use, “P*” denotes a Principal Permitted Use to which supplemental standards apply, and “C*” denotes a Conditional Use to which supplemental standards apply.

AMENDMENT 2. Section 41.02, AG (Agricultural) Zoning District Regulations.

Section 41.02 is amended by inserting the following provision immediately following the paragraph captioned “Uses” and immediately preceding the paragraph captioned “Bulk Regulations”:

Outdoor Shooting Ranges, Gun Clubs, and Similar Uses. Outdoor shooting ranges, gun clubs, and similar uses, as permitted by Iowa Code § 657.9, as amended, are principal permitted uses in the AG (Agricultural) Zoning District, subject to the regulations and restrictions established for the district in this Section, the general performance standards of Section 42.07, and all other generally applicable requirements of this Ordinance and of applicable state and federal law.

Before a person improves property acquired to establish, use, and maintain a new outdoor shooting range by the erection of buildings, breastworks, ramparts, or other works, or before a person substantially changes the existing use of an outdoor shooting range, the person shall obtain the approval of the County Zoning Commission as required by Iowa Code § 657.9, as amended.

Outdoor shooting ranges lawfully established prior to the effective date of this provision may continue as lawful existing uses and may continue to operate in accordance with this

Ordinance. Any replacement, expansion, or alteration of such a facility shall comply with all applicable County, state, and federal regulations.

AMENDMENT 3. Section 42.08, Specific Supplemental Standards, subheading “Shooting Ranges, Gun Clubs, and Similar Uses.”

The subheading and introductory sentence are amended as follows:

Indoor Shooting Ranges, Gun Clubs, and Similar Uses

~~Outdoor shooting ranges, and similar uses, are conditionally permitted in the AG (Agricultural) zoning district, and indoor~~ **Indoor** shooting ranges, **gun clubs**, and similar uses, are principally permitted in the commercial and industrial zoning districts, and subject to the following conditions:

Conditions 1, 3, 8, and 16 are amended as follows. Conditions 2, 4 through 7, and 9 through 15 are not amended and continue to apply to indoor shooting ranges, gun clubs, and similar uses.

1. **State and Federal Compliance.** ~~Both indoor and outdoor shooting ranges~~ **Indoor shooting ranges** shall comply with all applicable state, regional, and federal regulations, including but not limited to Iowa Code § 657.9, as amended, which require review and approval by the County Zoning Commission prior to the establishment or substantial change of such uses; the State Building and Fire Code; and any necessary review or permitting by the Iowa Department of Natural Resources (IDNR) or other relevant regulatory agencies. The property owner shall be responsible for ensuring that all construction complies with these codes and standards and shall obtain any required inspections, as determined by the applicable building or code enforcement authority.
3. **~~Design Standards.~~** ~~The National Rifle Association (NRA) design standards for outdoor shooting ranges shall be complied with and include the following as a minimum:~~ **Reserved.**
 - a. ~~No facility shall be allowed within five hundred (500) feet of an existing residence, measured from the property line of the range site, without the permission of the existing residents.~~
 - b. ~~A backstop having a minimum height of twenty (20) feet with a top width of at least four (4) feet and side berms having a minimum height of eight (8) feet shall be required unless significant terrain features exist that would take their place.~~
 - c. ~~For skeet and trap shooting, a three hundred (300) yard shot fall zone to the front and sides of the range as measured from the center of the firing stations, shall be provided. This area shall be contained wholly within the property on which the range is located, or on property leased by the facility or covered by signed agreement of adjacent property owners.~~

- d. ~~Gates shall be placed at all road entrances to the property and shall be locked when the facility is not in use.~~
 - e. ~~Landscaping including the planting of trees shall be provided to screen the range from roads and adjacent residences.~~
8. **Hours of Operation.** The discharge of firearms is prohibited between sunset and 7:00 a.m., unless otherwise approved as part of ~~the Conditional Use Permit (for outdoor ranges in the AG (Agricultural) zoning district) or site plan (for indoor ranges in the commercial and industrial zoning districts)~~ the site plan, in order to minimize impacts on adjacent properties.
16. **Existing Indoor Shooting Ranges.** Existing indoor shooting ranges lawfully established prior to the effective date of this Ordinance may continue as lawful existing uses and may continue to operate in accordance with this Ordinance. Any replacement, expansion, or alteration of such facilities shall comply with all applicable County, state, and federal regulations.