

Proposed changes to Ch 47 Zoning Code

Changes pertaining to signs are in response to Case law: Reed vs. Town of Gilbert 135 S. Ct. 2218 (2015) US Supreme Court Decision which ruled that signs cannot be regulated based on content. There are also proposed changes that would allow for billboard type signs.

Changes pertaining to non-conforming uses and structures are to comply with Wisconsin Act 67(2017).

Under ARTICLE I. - IN GENERAL

Sec. 47-7. – Definitions

Add:

Adult Oriented Establishment shall include, but is not limited to, "adult bookstores," "adult motion picture theatres," "adult mini-motion picture establishments" or "adult cabarets," and further means any premises to which public patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls separate from the common area of the premises for the purposes of viewing adult oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, whether or not such adult entertainment is held, conducted, operated, or maintained for profit, direct or indirect. An Adult Oriented Establishment also includes the physical location from which adult entertainment is broadcast.

Adult Bookstore means a retail establishment that has:

- (1) As a substantial or significant portion of its business the sale or rental of, or a substantial or significant portion of its stock in trade for sale or rental of:
 - (a) Publications which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified anatomical areas or specified sexual activities, as defined in this Chapter; and/or
 - (b) Sexually oriented devices, as defined in this Chapter.
- (2) As used in this definition, publications include, by way of illustration, books, magazines, other periodicals, movies, videotapes, and other products offered in photographic, electronic, magnetic, digital, or other imaging medium.
- (3) Any of the following shall be indicia that an establishment has as one of its principal business purposes the sale or rental of:
 - (1) publications which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this Chapter, and/or
 - (2) sexually oriented devices, as defined in this Chapter:
 - (i) The business advertises the sale or rental of adult publications including but not limited to "x-rated" movies and/or;
 - (ii) Access by persons under eighteen (18) years of age to the business establishment or portions of the business establishment is restricted;
 - (iii) Signs or notices are posted outside and/or inside the business establishment indicating that the material offered for sale or rental might be offensive;
 - (iv) The building or portion of the building containing the business establishment

does not have windows or has windows that are screened or otherwise obstructed or are situated in a manner that restricts visual access from outside the building to materials displayed within for sale or rental;

- (v) The above factors shall be considered along with all other factors and available information. Notwithstanding the foregoing, a general circulation video store that does not offer for sale any sexually oriented devices shall not constitute an "adult bookstore" even though it offers for sale and/or rental videotapes which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified anatomical areas or specified sexual activities, as defined in this Chapter, so long as:
 - (i) Such described videotapes are stocked and displayed in a room separate from the area of the business establishment where general circulation videotapes are stocked and displayed;
 - (ii) Access by persons under eighteen (18) years of age to the room where such described videotapes are stocked and displayed is restricted;
 - (iii) The square footage of the separate room where such described videotapes are stocked and displayed is no more than ten (10) percent of the square footage of the area where general circulation videotapes are stocked and displayed; and
 - (iv) The general circulation videotapes portion of the business establishment offers a quantity and selection of new release general circulation videotapes that is typical of a general circulation video store and offers a quantity and selection of other general circulation video tapes that are organized and displayed in a manner that is typical of a general circulation video store.

Adult Cabaret means an establishment that regularly features dancers or other entertainers who provide live adult entertainment, including but not limited to floor shows, exotic dancing, male or female impersonators, or similar entertainment and engage in a private performance, act as private models, display or expose any specified anatomical area(s) to a patron or customer, or wear or display to a customer any covering, tape, pastie, or other device which simulates or gives the appearance of the display or exposure of any specified anatomical area.

Adult Entertainment means any exhibition of any motion picture, live performance, display or dance of any type, which is distinguished or characterized by an emphasis on any actual or simulated performance of "specified sexual activities" or exhibition and viewing of "specified anatomical areas," as defined below, appearing unclothed, or the removal of articles of clothing to reveal "specified anatomical areas."

Adult Mini-Motion Picture Theater means a commercial establishment with one or more adult mini motion picture booths where:

- (1) A substantial or significant portion of business is the presentation and viewing in viewing booths of still or motion pictures that are distinguished or characterized by their emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined below, for observation by patrons therein; or

- (2) A substantial or significant portion of the stock of still or motion pictures available for viewing or that are actually viewed in the viewing booths are distinguished or characterized by their emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined below.
- (3) Any of the following shall be indicia that a business establishment has as one of its principal business purposes the presentation and viewing in viewing booths still or motion pictures which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined below:
 - (i) Restricted access to the business establishment or portions thereof where viewing booths are located by persons less than eighteen (18) years of age.
 - (ii) Posted signs or notices outside and/or inside the business establishment indicating that the material offered for presentation and viewing in the viewing booths might be offensive.
 - (iii) The above factors shall be considered along with other available information.

Adult Motion Picture Theater means an enclosed building in which a substantial or significant portion of business involves presenting material having as its dominant theme, or distinguished or characterized by an emphasis on, matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," for observation by patrons therein.

Customer means any person who:

- (1) is allowed to enter an Adult Oriented Establishment in return for the payment of an admission fee or any other form of consideration or gratuity; or
- (2) enters an Adult Oriented Establishment and purchases, rents, or otherwise partakes of any merchandise, goods, entertainment or other services offered therein; or
- (3) is a member of and on the premises of an Adult Oriented Establishment operating as a private club.

Employee, as used in Sec. 47- 770, means any person who renders any service whatsoever to the customers of an Adult Oriented Establishment or who works in or about an Adult Oriented Establishment and who receives compensation for such service or work from the operator, or owner of the Adult Oriented Establishment or from the customers therein.

Erect means to construct, build, raise, assemble, place, fix, attach, create, paint, draw or in any other way bring into being or establish.

Nudity or A State of Nudity means:

- (1) The appearance of a human bare buttock, vulva, anus, anal cleft with less than a full opaque covering, male genitals, female genitals or female breast; or
- (2) A state of dress which fails to completely and opaquely cover a human buttock, vulva, anus, male genitals, female genitals or any part of the female breast or breasts that is situated below a point immediately above the top of the areola of the female breast.

"Off-premises" or "off-property sign" means a sign that is not an on-premises sign.

"On-premises" or "on-property sign" means a sign at a business location advertising a business that is conducted on the property and that is located in the immediate vicinity of the business.

"Immediate vicinity" in Sec. 47-792 through 47-801 means the sign is within the area bounded by the buildings, driveways and parking areas in which the activity is conducted or within 50 feet of that area. "Immediate vicinity" does not include any area across a street or road from the area where the business is conducted or any area developed for the purpose of erecting a sign.

Operates or Causes to be Operated means to cause to function or to put or keep in operation. A person may be found to be operating or causing to be operated an Adult Oriented Establishment whether or not that person is an owner, part owner, licensee, or manager of the establishment.

Operator, other than nominal use, means an individual who is in control of the premises and operations of an Adult Oriented Establishment.

Patron means a customer.

Person means an individual, proprietorship, partnership, corporation, association or other legal entity.

Premises means the grounds and all buildings, vehicles, and appurtenances pertaining to the grounds, including any adjacent premises if they are directly or indirectly under the control of the same person.

Sexually Oriented Device means any three (3) dimensional object designed and marketed for stimulation of the male or female human genitals, anus, female breast, or for sadomasochistic use or abuse of oneself or others and shall include devices such as dildos, vibrators, penis pumps, and physical representations of human genital organs. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

Specified Anatomical Areas means:

- (1) Less than completely and opaquely covered:
 - (i) Human genitals, pubic region; or
 - (ii) Showing the areola or nipple of a female breast.
- (2) Human male genitals in a discernible turgid state, even if opaquely covered.

Specified Sexual Activities means simulated or actual:

- (1) Showing of human genitals in a state of sexual stimulation or arousal;
- (2) Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio, or cunnilingus;
- (3) Fondling or erotic touching of human genitals, pubic region, or areola or nipple of a female breast;
- (4) Excretory functions, as part of or in connection with any of the activities set forth

in subsections 1 through 3 above.

Visible means the sign, or any part of the sign structure, can be seen from the main-traveled way of a highway by a person of normal visual acuity, regardless of whether the sign is designed, erected or intended to be read from the main-traveled way.

Add: Sec. 47-19. - Relaxation of standards for persons with disabilities:

The zoning administrator may issue a special permit to relax the standards of this ordinance in order to provide reasonable accommodations as required by provisions of federal and state law. Such relaxation shall be the minimum necessary to be consistent with federal guidelines for accommodation of persons with disabilities and shall, where practicable, be terminated when the facility is no longer used by the disabled person. A person applying for a permit for construction under this section shall establish the nature and extent of the disability and that the relaxation requested is the minimum necessary to provide reasonable use of the facility. A deed restriction or affidavit for the reasonable accommodation shall be filed with the register of deeds.

Under Sec. 47-13. - Site restrictions.

Amend Sub (b) to read: (b) All lots shall have a minimum 66-foot access to a public road except under sub (d).

Add: (c) Parcels that narrow to less than 66 feet of width before reaching the building site must be enhanced with an easement that maintains an access at a minimum width of 66 feet leading from a public road to the building site.

Add: (d) Physical access has been granted across the Elroy-Sparta State Trail or La Crosse River State Trail by the Wisconsin Department of Natural Resources. A zoning permit granted under this section has the following requirements:

- 1) Written permission from the Wisconsin Department of Natural Resources to cross the Trail for the intended use of the zoning permit request. (residential, agriculture, etc.)
- 2) Written verification from local emergency services that the property is accessible and services will be provided.
- 3) A zoning permit shall be issued for only one dwelling or business and associated accessory structures per access. Agricultural or personal storage buildings may be permitted without a dwelling or business on the parcel.

ARTICLE III- ZONING DISTRICTS

DIVISION 5. - B BUSINESS

Sec. 47-196. - Conditional uses.

Under (a) Conditional uses in the B business district shall be as follows:

Add: (23) Adult-oriented establishments

Under **DIVISION 9. - EA EXCLUSIVE AGRICULTURE**

Sec. 47-329. - Principal uses.

Amend the first line of Sub (1) to read: (1) Agricultural uses as defined in Wis. Stats. § 91.01, including:

Under **ARTICLE V - SUPPLEMENTARY DISTRICT REGULATIONS**

Delete all of: **DIVISION 3. - WIND ENERGY FACILITIES**

Delete all of **DIVISION 4. PRIVATE WIND ENERGY FACILITIES**

Add: **DIVISION 7- ADULT-ORIENTED ESTABLISHMENTS**

Add: **Sec. 47-770. - Adult-oriented establishments.**

- (a) Purpose. It is the purpose of this Code to regulate sexually oriented businesses in order to promote the health, safety, and general welfare of citizens of Monroe County, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within Monroe County. The provisions of this Code have neither the purpose, nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is neither the intent, nor effect of this Code to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent, nor effect of this Code to condone or legitimize the distribution of obscene material.
- (b) Findings:
- (1) The board finds that adult-oriented establishments, as defined in this Code, require special zoning in order to protect and preserve the health, safety, and welfare of the county.
 - (2) Based on its review of studies conducted in Phoenix, AZ; Garden Grove, CA; Los Angeles, CA; Whittier, CA; Indianapolis, IN; Minneapolis, MN; St. Paul MN; Cleveland, OH; Oklahoma City, OK; Amarillo, TX; Austin, TX; Beaumont, TX; Dallas, TX; Houston, TX; Newport News, VA; Bellevue, WA; New York, NY; Seattle, WA; and St. Croix County, WI; and the Report of the Attorney General's Working Group of Sexually Oriented Businesses (June 6, 1989, State of Minnesota), and statistics obtained from the U.S. Department of Health and Human Services, Centers for Disease Control and Preventions, and the findings incorporated in *City of Renton v. Playtime Theaters, Inc.*, 475 U.S. 41 (1986), *Colman A. Young v. American Mini-Theaters, Inc.*, 427 U.S. 50 (1976), *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990), *Barnes v. Glen Theatre, Inc.* 501 U.S. 560 (1991), *City of Erie v. Pap's A.M.*, 120 S. Ct. 1382 (2000), *East of the River Enterprises II v. City of Hudson*, 2000 Wis. App. Lexis 734 (Ct. App. Aug.1, 2000); *Ben's Bar, Inc. v. Village of Somerset*, F.3d, 2003 WL 132541 (7th Cir. 2003), the Board finds that there is convincing evidence that the secondary effects of adult-oriented establishments include an increased risk of prostitution, high-risk sexual behavior, crime, and other deleterious effects upon existing businesses and surrounding residential area, and decreased property values.
 - (3) The board intends to control the impact of these secondary effects in order to protect the health, safety, and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods and areas.
 - (4) It is not the intent of the board to suppress any speech activities protected by the First Amendment, but to enact a content-neutral code which addresses the secondary effects of adult-oriented establishments while providing an outlet for First Amendment protected activities.
 - (5) In order to minimize and control the secondary effects of adult-oriented establishments upon the county, it is the intent of the board to prevent the concentration of adult-oriented establishments within a certain distance of each other and within certain distance of other specified locations

which are incompatible with and would suffer from the secondary effects of adult-oriented establishments.

- (6) Based upon its review of materials linking alcohol consumption and high-risk sexual behavior and materials linking alcohol consumption and crimes such as sexual assault, the board finds that a geographic separation of adult-oriented establishments from alcohol beverage licensed premises is warranted.
 - (7) Based upon its review of the secondary effects of adult-oriented establishments, the board finds that a geographic location in near proximity to a state or federal trunk highway is warranted.
- (c) Location of adult-oriented establishments.
- (1) The First Amendment and other provisions of the United States Constitution, as interpreted by the United States Supreme Court and other courts, require that adult-oriented establishments, as defined by this Code, are entitled to certain protections. Therefore, an adult-oriented establishment shall be a permitted use in the B- Business zoning district and shall be a prohibited use in any other zoning district. The adult-oriented establishment may locate in the specified district only if an adult-oriented establishment license has been granted by a town or municipality requiring such license within the county which is subject to this Code, and all the requirements of this section and the applicable zoning district regulations are met.
 - (2) Adult-oriented establishments shall be located at least 1,000 feet from:
 - a. Any residential zoning district line, playground lot line, public park lot line, or public or private recreation area;
 - b. Any structure used as a single-family dwelling, duplex, or multiple-family dwelling, church or other place of religious worship, public or private school, camp or campground, daycare or kindergarten, library, museum or other public or semi-public building as defined in this Code;
 - c. Any other structure housing an adult-oriented establishment;
 - d. Any structure housing an establishment which holds an alcohol beverage license.
 - (3) Adult-oriented establishments shall be located within 300 feet of a state or federal trunk highway right-of-way.
 - (4) No residential quarters or living facilities shall be allowed on a premises with an adult-oriented establishment.
 - (5) Distance requirements are to be measured in a straight line in any direction regardless of intervening structures, from the structure housing the adult-oriented establishment to the residential district boundary lines, to the lot line of any lot used for park, playground, or any structure listed in subsections (c)(2)a—d. above.
 - (6) The measurements from a structure shall be taken from the farthest point a structure extends in the direction of the measurement, including overhanging roofs or similar projections.
 - (7) For adult-oriented establishments located in conjunction with other buildings such as in a shopping center, and clearly separate from other establishments, measurements shall be taken from the boundaries of the space occupied by the adult-oriented establishment.
 - (8) For any adult-oriented establishment located above ground level in a multi-story structure and clearly separate from other establishments within the structure, the distance measurements shall be taken from the ground floor public entrance/exit nearest the adult-oriented establishment (excluding emergency exits).
 - (9) Subsequent location of any establishments listed in subsections (c)(2)a—d. above, within 1,000 feet of an existing adult-oriented establishment does not constitute a violation of this Code by the adult-oriented establishment.
 - (10) Established adult-oriented establishments operating prior to the adoption of this Code section shall be regulated as a non-conforming use under Sec 47-826 through 47-831.

Amend Article VI to read: **ARTICLE VI. - SIGNS**

Sec. 47-792. - Purpose. The purpose of this article is to provide the minimum regulations, provisions and requirements to ensure the safety and general welfare of the public and to preserve the scenic beauty of the county by regulating and controlling the installation of signs and other advertising structures within the county.

Sec. 47-793. – Signs along federally numbered highways.

(a) Size.

(1) The total sign area of signs along federally numbered highways shall not exceed 300 square feet unless sub (2) applies.

(2) A Conditional Use Permit shall be required for an off-premises sign exceeding 300 square feet. Maximum areas for any one sign shall be 1,600 square feet inclusive of any border and trim but excluding the base or apron, supports and other structural members.

(b) Location of signs.

(1) Signs shall be placed outside the highway setback as required in section 47-769(b) and signs shall not be permitted between the points of tangency on a curve to the right of any highway.

(2) Signs shall not be permitted within 500 feet of any intersection. The beginning of a curve on a highway interchange ramp or the beginning of a curved access to an intersection shall be considered as the intersection for the purpose of sign location.

(c) Distance between signs.

(1) Two sign faces shall be permitted at any location and the distance between sign locations on the same side of the highway shall be one mile.

(2) Back-to-back signs shall be permitted and shall be considered as one sign.

(d) Height of sign. Signs shall not exceed the height limitation of that district in which they are located as measured in feet above the mean centerline grade of the adjacent highway. Height of a sign permitted by conditional use may be increased to a maximum of 50 feet if the applicant can demonstrate to the satisfaction of the zoning committee that a greater height is necessary to provide visibility.

(e) Permitted uses. Signs shall be a permitted use in the following districts: B business, I industrial, IB interstate business, GA general agriculture, and EA exclusive agriculture.

(f) Conditional uses. Signs of any size shall be a conditional use in the following districts: AO agriculture only, GF general forestry, EF exclusive forestry, and C community.

Sec. 47-794. –Signs located on State, County and Town roads more than 660 feet from a federally numbered highway.

(a) Size. The sign area shall not exceed 300 square feet.

(b) Location.

(1) Signs shall be placed at least 5 feet from the right-of-way line of any highway except that signs shall not be permitted between the points of tangency on a curve to the right of any highway.

(2) Signs shall not be permitted within 300 feet of any intersection. The beginning of a curved access to any intersection shall be considered as the intersection for the purpose of sign location.

(c) Distance between signs.

(1) One sign shall be permitted at any location and the distance between any sign on the same side of the highway shall be one mile.

(2) Back-to-back signs shall be permitted and shall be considered as one sign.

(d) Permitted districts. Signs are permitted in the following districts: B business, I interstate business, I industrial, C community, GA general agriculture, EA exclusive agriculture, GF general forestry, EF exclusive forestry, AO agriculture only.

Sec. 47-795. - On-premises signs.

(a) Location.

(1) On-premises signs may be attached to the building they are intended to serve.

(2) Freestanding on-premises signs shall be located within the required yards of the building it is intended to serve.

(3) If the business, service or entertainment is located at a highway intersection, an on-premises sign shall not be located within the vision clearance triangle.

(b) Height.

On-premises signs shall not exceed the height of any building permitted in the zoning district in which the sign is located.

(c) Size. The gross size of the on-premises signs for each business establishment shall be 150 square feet or less.

(d) Permitted uses.

(1) On-premises signs shall be a permitted use in the following zoning districts: B business, IB interstate business, I industrial, C community, GA general agriculture, EA exclusive agriculture, AO agriculture only, GF-General Forestry, R- Residential.

Sec. 47-796. One Time Event Sign.

(a) Size. One-time event signs shall not exceed eight square feet in area.

(b) Location. One-time event signs shall not be located within the right-of-way lines of any road or highway and shall not be attached to any official highway marker, emblem or traffic control sign or device. One-time event signs shall not be located within the visual clearance triangle of any public intersection.

(c) Removal. One-time event signs shall be removed not later than 15 days after the last day on which an event occurred.

(d) Permitted uses. One-time event signs are permitted in all zoning districts and must follow all applicable regulations but do not require the issuance of a zoning permit.

Sec. 47-797. - Conditions and restrictions; permits required signs.

(a) Conditions and restrictions.

(1) Signs shall not be designed and installed to imitate or simulate any highway marker, signal or traffic control sign.

(2) Signs shall not have any flashing or rotating lights.

(3) Lighted signs shall not have any light emitted directly onto the roadway. Nor be of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or otherwise interfere with any driver's operation of a motor vehicle. No sign light bulb or lens cover shall be directly visible from the roadway. No sign shall be illuminated as to interfere with the effectiveness of or obscure an official traffic sign, device, or signal.

(4) Signs shall not be placed to obscure the vision of any official highway marker, signal or traffic control sign.

(5) A railroad crossing shall be considered the same as a highway intersection.

(6) Signs shall not be attached to trees, fence posts or fences, or utility structures and shall not be painted on a rock or other natural object.

(7) Signs shall be kept in a good state of repair.

(8) The provisions of this chapter which define permitted locations of signs along the public roads and highways, are held to be the minimum standards to ensure safety on the public roads and highways.

(9) Digital signs shall adjust brightness in response to changing light levels and shall not be illuminated to a degree of brightness that is greater than necessary for adequate visibility.

(10) In areas where State or Federal regulations apply the more restrictive regulations shall apply.

(11) Any sign now or hereafter which no longer advertises a bona fide business or a product available shall be removed within thirty (30) days after notification by certified mail by the Zoning Administrator to the owner of the sign or owner of the land on which the sign is located.

(b) Permits.

(1) Permits are required for the installation or erection of all signs except one-time event signs.

(2) The application for a permit to install or erect a sign shall contain the location, direction or orientation, and such other information as required by the planning and zoning administrator.

Under **ARTICLE VII. - NONCONFORMING USES, STRUCTURES AND LOTS**

Sec. 47-826. - Existing nonconforming uses.

Amend Sub (1) to read: (1) Only that portion of the land or water in actual use may be so continued and the structure may not be extended, enlarged, moved except when required to do so by law or order, or so as to comply with the provisions of this chapter.

Sec. 47-827. - Abolishment or replacement. Amend Sub (a) to read: (a) If such nonconforming use is discontinued or terminated for a period of 12 months, any future use of the structure, land or water shall conform to the provisions of this chapter.

Amend Sec. 47-828 to read: **Sec. 47-828. - Existing nonconforming structures.** The lawful nonconforming structure existing at the time of the adoption or amendment of the ordinance from which this chapter is derived may be continued, although its size or location does not conform with the lot width, lot area, yard, height, parking and loading, and access provisions of this chapter; however, it shall not be extended, enlarged, moved except when required to do so by law or order or so as to comply with the provisions of this chapter or if subsection (1) applies:

- (1) Dwellings that are nonconforming due to yard size may be extended, enlarged, or structurally altered so long as the change does not affect the nonconforming yard size.
- (2) A lawful nonconforming structure existing at the time of the adoption or amendment of the ordinance from which this chapter is derived may be replaced, reconstructed or structurally altered within the same foot print by permit.

Under **ARTICLE VIII - ADMINISTRATION**

DIVISION 2. - ZONING BOARD OF ADJUSTMENT

Sec. 47-888. - Appeals.

Amend Sub (a) to read: (a) Appeals to the zoning board of adjustment may be taken by any person aggrieved by any officer, department, board or bureau of the county affected by any decisions of the administrative officer. Such appeal shall be taken within 30 days, as provided by the rules of the board, by filing with the officer from whom the appeal is taken and with the board a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken within 60 days unless the time is extended for cause by the zoning board of adjustment.