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To: Lathrup Village Planning Commission

From: Tom Kennedy – Community & Economic Development/DDA Project Coordinator

Date: February 17, 2026

RE: Battery Energy Storage System (BESS) Amendments

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At the January Planning Commission meeting, Commissioners discussed amendments to the Solar Energy Systems ordinance to add clarity for certain provisions. Following this discussion, a public hearing was set for the February 17, 2026, Planning Commission meeting, which will be concluded with a vote to amend the ordinance. Below are three amendments for discussion and vote.

Amendment one (1) is a standalone amendment to Section 5.17.3, adding subsection 6 to note what the Battery Energy Storage Systems ordinance applies to.

Amendments two (2) & three (3) are to Section 5.17.4, and the Commission is asked to choose which of the amendments they feel best fits the intent of the ordinance. Option 1 introduces a definition of “Not Feasible,” provides clarification on its intent, and outlines how compliance with the standard will be evaluated and enforced. Meanwhile, Option 2 is a consolidation of Section 5.17.4, removing the hierarchy initially described in the ordinance and defining regulations as to where a Battery Energy Storage Systems (BESS) would be allowed, so long as it follows certain conditions.

We ask that the Planning Commission continue its discussion from January, ask any remaining questions, and take action by voting on the amendment options that best reflects the intended goals of the Solar Energy Systems ordinance.

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## **Amendment Review**

### **Amendment 1 (Standalone):**

#### **Section 5.17.3.6**

#### **Applicability of Battery Energy Storage System (BESS) Regulations**

The standards and requirements of this section apply exclusively to **permanently installed Battery Energy Storage Systems**, including systems that are fixed, mounted, bolted, hardwired, or otherwise intended for long-term stationary use as part of a solar or electrical system.

This section **does not apply** to:

- a. **Electric vehicles**, including electric or plug-in hybrid vehicles, and their onboard batteries;
- b. **Portable or mobile battery units** that are not permanently installed or hardwired to the structure;
- c. **Portable electric generators or temporary power storage devices** intended for short-term or emergency use.

Electric vehicles and portable energy devices are regulated separately under applicable building, fire, electrical, and vehicle codes and are not considered Battery Energy Storage Systems for purposes of this ordinance.

## **Amendment 2:**

### **Section 5.17.4.4b**

#### **“Not Feasible”**

For purposes of Section 5.17.4(5), *not feasible* shall mean that installation of a Battery Energy Storage System (BESS) within a detached accessory structure is impractical or unreasonable due to one or more of the following conditions, as determined through administrative review:

#### **a. No Existing Detached Structure:**

The property does not contain an existing detached accessory structure suitable for housing a BESS, and construction of a new detached structure would be impractical due to site constraints (ex: lot size, storage structure size, BESS size, etc.).

#### **b. Structural or Safety Limitations:**

An existing detached structure lacks sufficient space, structural integrity, ventilation, fire separation, or code-compliant conditions necessary to safely house a BESS and cannot be reasonably modified to meet applicable building, fire, or electrical codes. This includes Basements, Crawlspace and other underground storage options.

#### **c. Lot Size or Site Constraints:**

Lot size, required setbacks, easements, or other physical site limitations prevent the placement, expansion, or construction of a detached structure capable of safely housing a BESS.

#### **d. System Size and Design Considerations:**

The proposed BESS is a smaller, wall-mounted, or modular system intended for limited energy storage or load balancing (and not designed for whole-home backup), and is specifically listed by the manufacturer as approved for installation within an attached garage in accordance with applicable building and fire codes.

A determination of *not feasible* shall be made by the Building Official or designee based on submitted documentation, manufacturer specifications, and applicable safety standards.

### **Amendment 3:**

#### **Consolidated Section 5.17.4, Paragraph 4, 5 and 6:**

#### **4. Battery Energy Storage Systems (BESS)**

- a. BESS may be located outdoors in a rear yard, inside an approved accessory structure or inside an attached garage. No BESS may be located in a basement or crawlspace.
- b. BESS are required to meet the following conditions:
  - I. Not visible from the public right-of-way and if located in a rear yard screened from neighboring properties and public view with landscaping;
  - II. If located inside an attached garage the BESS must be located on an exterior wall.
  - III. Set back at least 10 feet from all property lines;
  - IV. Properly enclosed and ventilated for safety;
  - V. Clearly marked as containing electrical equipment; and
  - VI. Reviewed and approved by the Building Official for compliance with applicable building, electrical and fire safety codes.

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### **Suggestion Motions**

#### **Amendment 1**

*“I move to approve the amendment to Section 5.17.3: General Provisions, adding Subsection 6: Applicability of Battery Energy Storage System (BESS) Regulations.”*

#### **Amendment 2**

- a. *“I move to approve the amendment to Section 5.17.4: Permitted Systems Subsection 4.”*

Or;

- b. *“I move to approve the amendment to Section 5.17.4: Permitted Systems, consolidating Subsections 4, 5 and 6 into one subsection.”*