

City of Lathrup Village
27400 Southfield Road
Lathrup Village, MI 48076
www.lathrupvillage.org | (248) 557-2600

To: Lathrup Village Planning Commission

From: Tom Kennedy – Community & Economic Development/DDA Project Coord.
Austin Colson – Community & Economic Development/DDA Director

Date: January 13, 2026

RE: Solar Energy Systems Amendments

In late December 2025, the Lathrup Village Downtown Development Authority (DDA) received an inquiry regarding the recently adopted Solar Energy Systems Ordinance requesting clarification of certain provisions. Following further review, City staff, the City Attorney, and residents identified areas where additional clarification may improve administration and long-term effectiveness.

These proposed amendments do not change the overall intent of the ordinance. Rather, they seek to refine specific provisions related to Battery Energy Storage Systems (BESS), particularly regarding placement, feasibility, and applicability.

Three amendments are presented for review. One is a standalone amendment, while the remaining two address the same policy area using different regulatory approaches. Staff is presenting both options to allow the Planning Commission to determine which approach best aligns with the City's goals.

The amendments are presented for Planning Commission review and discussion and, at the Commission's discretion, recommendation to City Council. Commissioners are encouraged to ask questions and provide feedback during this discussion.

Amendment Review

Amendment 1 (Standalone):

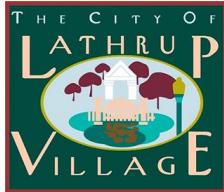
Section 5.17.3.6

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;



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- 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.

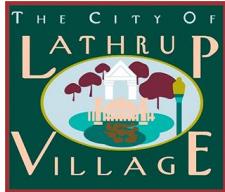
c. Lot Size or Site Constraints:

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.



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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.
- 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.

Requested Action

The Planning Commission is requested to review and discuss the proposed ordinance amendments. Amendment #1 is a standalone clarification and does not conflict with the other proposed amendments. Amendments #2 and #3, however, address the same policy issue related to Battery Energy Storage Systems using different regulatory approaches and therefore conflict with one another.

As part of this review, the Planning Commission is asked to evaluate the merits of both Amendment #2 and Amendment #3, determine which approach best aligns with the City's goals and administrative practices, and identify a preferred option to pursue. Following discussion, and at the Commission's discretion, the Planning Commission may recommend approval of Amendment #1 and the selected approach from either Amendment #2 or Amendment #3 to the City Council for consideration.